

Calendar Year 2017

Hampshire College



# ANNUAL CLERY ACT CAMPUS SECURITY AND FIRE SAFETY REPORT

PUBLISHED BY CHIEF RAYMOND LABARRE

October 1, 2018



Phone: (413) 559-5424

Emergencies: x1911 from a Campus Phone

(413) 559-5424 from a Cell Phone

**Physical Location:**

Harold F. Johnson Library, Ground Floor

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#### ***A Note to Our Readers:***

This report has been prepared to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This document is available online on the Campus Police website.

This report is prepared in cooperation with the local law enforcement agencies surrounding our main campus and non-campus property sites, the offices of the Dean of the College, Dean of Students, Residence Life, Student Programs, Health Services and Department of Athletics.

Campus crime, arrest and referral statistics include those reported to the Campus Police Department, designated campus officials (including but not limited to directors, deans, department heads, etc.) and to local law enforcement agencies.

#### **U.S. Department of Education Clery Campus Crime data website:**

<http://ope.ed.gov/security/>

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### COLLEGE STATEMENT OF NON-DISCRIMINATION

Hampshire College reaffirms its commitment to a policy of equal opportunity in education and employment.

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.

Hampshire College is strongly committed to building an inclusive environment and will not tolerate any actions of any individual or group that violate this policy.

Hampshire College is an Equal Opportunity Employer. All applicable federal and state laws and guidelines are followed, including Title VI and VII of the Civil Rights Act of 1964; Executive Order 11246 of 1965, as amended by Executive Order 11357 of 1967; Title IX of the Educational Amendments Act of 1972; Section 504 of the Rehabilitation Act of 1973, as amended; and the Americans with Disabilities Act of 1990.

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### DEPARTMENT BIAS BASED PROFILING POLICY

It is Hampshire College's policy that, except in "suspect specific incidents," Campus Police Officers are prohibited from considering the race, gender, national or ethnic origin, sexual orientation, or disability of members of the public in deciding to detain a person or stop a motor vehicle and in deciding upon the scope or substance of any law enforcement action.

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### CAMPUS POLICE AT A GLANCE

Hampshire College Campus Police is part of a three-college campus police department collaborative, having combined its resources with the Mount Holyoke and Smith College Campus Police departments. The department formally reports to the Vice President for Finance and Administration at Mount Holyoke College. Our Hampshire staff are stationed primarily at Hampshire College, but additional patrol and administrative resources are available through this collaborative.

#### **Campus Police Administrative Office & Parking Office Hours:**

Mon – Fri 8:30am – 4:00pm

***Officers & Dispatchers are on duty 24 hours/day, 365 days/year***

## THE DEPARTMENT'S ENFORCEMENT AUTHORITY

Officers are authorized under Massachusetts General Law 22C, Section 63, to enforce federal and state laws and have the power to arrest, like any other police officers in Massachusetts.

The Campus Police Department enforces the Massachusetts General Laws and protects life and property on campus by providing law enforcement and security services and by responding to emergencies. Officers may also enforce certain campus policies.

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## BACKUP AID & EXTERNAL SUPPORT

The Department has back-up aid from and telephone and radio contact with the Amherst Police Department. Campus Police handles most if not all criminal incidents that occur on Hampshire College property. Amherst Police are notified of any major incidents that occur on campus; this is based on a parallel policy agreement with the Amherst police department.

Under Massachusetts law, the State Police are notified of any death on campus and can have jurisdiction over any criminal incident that occurs on campus. Generally, The Amherst fire department responds to fire and medical emergencies as a supplement to Campus Police services.

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## CRIMES IN OR ON NON-CAMPUS BUILDINGS OR PROPERTY

Statistics reported in the "on-campus" category include those crimes occurring on property owned or controlled by the campus that is within the contiguous geographic area of the campus. The College does not recognize any student organizations that control or own any buildings or property off campus.

Reported crime statistics include incidents that occurred at non-campus property (property owned or operated by the college but not within the main campus's contiguous borders). This includes the President's House.

### ***Central Dispatch***

The three-college Campus Police Department collaborative utilizes a central dispatch center which provides dispatch services to all three campuses 24 hours a day, 365 days per year.

Dispatchers respond to routine and emergency calls, as well as monitoring fire and intrusion alarms for all three campuses and a number of security cameras. Dispatchers make notifications during emergencies and provide after-hours routing of calls for urgent maintenance issues. All dispatchers undergo an intensive field training program, receive standard training for emergency dispatchers and are certified by the national Association of Public-Safety Communications Officials (APCO).

## MISSION STATEMENT

Our Mission is to work in partnership with all the members of our communities to foster a relationship of trust and cooperation in order to provide a safe and welcoming environment that is consistent with the values and goals of our college communities. The Department will accomplish this mission through its commitment to community policing, an organizational culture that respects and protects the civil rights of all individuals, adherence to the principles of accountability and transparency and the retention and professional development of our personnel.

## VISION STATEMENT

The Department is committed to being an outstanding organization and a leader among campus police departments by hiring and promoting talented officers and professional staff, employing the highest standards of accountability, performance, progressive policing strategies, and reflecting the institutional values of the three colleges it serves.

The Department strives to adhere to the highest standards and reflect the diversity of its community members. The members of our communities and the officers and professional staff of the campus police must be united in their commitment to addressing crime, social justice, and quality of life issues by engaging one another in problem-solving partnerships.

Campus policing strategies and programs will be driven by accurate, timely and reliable information supplied by state-of-the-art technologies and sustained through the Department's engagement of all of our colleges' diverse populations and organizations.

The Department strives to maintain the trust and confidence of community members by actively engaging with the students, staff, faculty and guests of the colleges we serve. The Department seeks to make its policies and operations as transparent as possible. When there are complaints involving the campus police, both the community members and the officers are best served by a system of accountability that is expeditious and fair to all involved.

To implement this vision, the Department must reward the hard work, initiative, and dedication demonstrated by its employees, and must offer professional development and career opportunities for advancement and retention. This will ensure that employees see the department as a career and strive to become our next generation of leaders.

## POLICE ACCREDITATION

The Department is proud to be accredited by the Massachusetts Police Accreditation Commission. This status assures our communities that our department has met professional standards of conduct and service, and this department remains one of only a handful of departments in our region to have attained this status.

## HOW TO REPORT A CRIME OR EMERGENCY

The College strongly encourages every member of the community—faculty, staff, students, and visitors—to report any crime accurately and promptly. To report a crime or emergency on campus, members of the community should call the Campus Police Department. Professionally trained officers are available for emergency response 24 hours a day, seven days a week, 365 days a year. To report a crime off campus, dial 911 in most areas in the U.S.

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### FOR EMERGENCIES:

- Dial **x1911** or **x5555** from a campus phone
- Dial (413) 559-5424 from a cell phone or
- Activate a blue-light phone

### **Call Campus Police if you see...**

- Suspicious behavior in or around a residence hall or other building – people looking in windows, trying to open windows, trying to access doors they do not have access to, etc.
- Anyone trying to open car doors or tampering with a motor vehicle.

- Vehicles parked with the motor running.
- Damaged doors or windows in residence halls or other buildings.
- Loiterers in dark or secluded areas.
- Someone peering into windows.
- Someone displaying a weapon.

#### **Call Campus Police if you hear...**

- Someone screaming.
- Breaking glass.
- A stranger trying to enter your building.
- A call for police or for help.
- Loud or obscene shouting indicating a disturbance.
- An explosion or gunshots.

If you notify Campus Police, the dispatcher will send officers (and ambulances, if necessary) to any section of the campus. Please try to have the following information for the dispatcher:

- What you see or hear.
- The address or location of the incident.
- The number of people involved.
- A description of the people involved.
- License numbers and descriptions of cars involved.
- The direction of fleeing suspects.
- Your name and address (if you wish to give it).

The behaviors listed above are non-exhaustive examples. Similarly, you do not have to have every piece of information listed above before contacting Campus Police. All of the information in this section is designated to be a helpful guide but, when in doubt, please contact Campus Police with your concerns.

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#### **CONFIDENTIAL REPORTING POLICY**

A Campus Security Authority (see following section) is not required to disclose to Campus Police confidential information concerning an incident, such as information that would identify a victim of a crime who wishes for their identity to remain confidential. However, the crime must be reported to Campus Police as a statistic only.

The Clery Act prescribes how the College collects and reports crime statistics and provides for confidential reporting of criminal incidents. Other laws and regulations mandate the College take action to prevent sexual harassment, sexual assault, and other criminal acts. In those cases, the College will attempt to respect an individual's desire for confidentiality and will work to maintain the privacy of the individual to the degree possible. However, the College may be legally required to take action depending on the nature of the grievance or complaint and may not be able to honor the request for confidentiality. The individual will be informed if, in the course of satisfying this obligation, the College may be unable to comply with the request for confidentiality.

## CAMPUS SECURITY AUTHORITIES

The Campus Police Department is the department responsible for compiling Clery Act crime and fire statistics for incidents reported on campus. While the Department encourages victims to report crimes occurring on the campus directly to Campus Police, we also collect crime data from other administrators on campus who are required to report crime statistics to the Campus Police Department for inclusion in the Annual Clery document as well as for the issuance of Safety Alerts (see below).

Designated “*Campus Security Authorities*” are defined in the Clery Act as “any individual who has responsibility for campus security but who does not constitute a campus police or security department...or who has significant responsibility for student and campus activities.” This includes, but is not limited to:

- Dean of Students
- Director of Residence Life, Area Coordinators, and Resident Advisors
- Title IX Coordinators and Deputy Coordinators
- Director of Athletics and Coaches
- Study Abroad coordinators
- Field Study coordinators
- Students and employees monitoring building entrances and events
- Faculty and staff advisors to student groups and organizations
- Directors of Health Services & Counseling Services
- Ombudsperson
- Other program directors

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## RESPONSIBILITIES OF CAMPUS SECURITY AUTHORITIES

A Campus Security Authority is not always required to disclose to Campus Police confidential information concerning an incident, such as information that would identify a victim of a crime who wishes for their identity to remain confidential. However, the crime must be reported to Campus Police immediately. Keep in mind, that Campus Security Authorities may also be responsible employees and, under Title IX and the Violence Against Women Act (VAWA), may be required to provide more information than is otherwise required in their role as a Campus Security Authority.

Professional and pastoral counselors are explicitly not campus security authorities, which means they are exempt from the requirement to report crimes to Campus Police when that information is received by them while they are acting in that pastoral or counseling role. However, they are encouraged to provide non-identifying information to allow for inclusion in the annual crime statistics when it will not sacrifice victim confidentiality.

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## CONFIDENTIAL REPORTING POLICY

The College has a policy to accept third-party anonymous reports of crimes on campus which can be reported to Campus Police, Title IX Coordinators and Deputy Coordinators, and Health and Counseling Services (students). The statistics are forwarded to Campus Police for inclusion in the annual security report. Remember that all employees, except where confidentiality is governed by law, should report to Campus Police any criminal incidents brought to their attention. The survivor’s name is not required. This allows

Campus Police to have accurate records of the number of incidents involving members of the community, to include those statistics in our annual security report, and to alert the community if there is a potential of danger.

- Although the College recognizes the importance of confidentiality, federal law requires us to record and act upon certain information affecting the safety of the entire community. This includes, where necessary, the sharing of certain elements of crimes reported on campus to Campus Police when a community notification must be sent when the incident creates an ongoing threat to members of the community. Details revealing the identity of a reporter choosing not to go to Campus Police will be withheld.
- The Campus Police Department operates under federal and Massachusetts general laws and has statutory requirements imposed for confidentiality, privacy, and public disclosure of investigatory material. As a general matter of law, the department must acknowledge that an alleged crime has been reported and release basic information about location and time of occurrence. Disclosure of this information is done as carefully as possible so as to protect the victim's privacy.
- The names of survivors of sexual assault, dating and domestic violence, and stalking will be maintained in confidence except as required by law.

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#### CAMPUS CRIME STATISTICS REPORTING POLICIES

Preventing crime and protecting life and property on campus is a priority. To maintain and provide accurate information, under the federal Crime Awareness and Campus Security Act of 1992, amended, and Massachusetts General Law Chapter 6, Section 168C, the Campus Police Department documents reports of crimes that occur on campus according to the Federal Bureau of Investigation Uniform Crime Reporting (NIBRS edition) Hate Crime Data collection guidelines and standards.

These statistics are gathered from Campus Police reports, from Campus Security Authorities, and from police departments with jurisdiction over public property immediately surrounding the campus and from those having jurisdiction for non-campus property. The statistics are collated by Campus Police and reviewed for inclusion in this annual report. Statistics must be shared with Campus Police immediately when a crime reported to a Campus Security authority represents a threat to the community or portion thereof (See Campus Security Authorities above.)

The Department annually submits its Clery Crime data to the Department of Education website. Data from our institution and others throughout the U.S. is available online at <http://ope.ed.gov/security/>.

A copy of these statistics, which are contained in the annual security report, are available by request at the Campus Police Department during normal business hours and anytime on the department's website at <https://www.hampshire.edu/campus-police/campus-police>.

The Campus Police Department is the campus agency required to compile Clery Act crime statistics for incidents reported on campus.

Additional crime reports are forwarded monthly to the Massachusetts State Police Crime Reporting unit that then forwards them to the FBI.

## SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, & STALKING

Hampshire College prohibits all forms of sexual misconduct, 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.

### SEXUAL ASSAULT

Sexual Assault is prohibited by state and federal laws as well as by college policy. It is crucial that survivors report crimes of sexual assault so that offenders can be apprehended and prevented from repeating their actions.

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#### WHAT IS SEXUAL ASSAULT UNDER MASSACHUSETTS LAW?

The Clery Act, as amended by the reauthorization of the VAWA Act, breaks sexual assault into four categories: rape, forcible fondling (called indecent assault & battery in Massachusetts), incest, and statutory rape.

**Rape:** The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

**Forcible Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent (16 in Massachusetts).

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#### WHAT IS CONSENT?

Consent is:

- Informed (knowing)
- Voluntary (freely given)
- Active (not passive), meaning that, through the demonstration of clear words or actions, a person has indicated permission to engage in mutually agreed-upon sexual activity

Consent cannot be obtained by Force. Force includes (a) the use of physical violence, (b) threats, (c) intimidation, and/or (d) coercion.

a) Physical violence means that a person is exerting control over another person through the use of physical force. Examples of physical violence include hitting, punching, slapping, kicking, pushing, restraining, choking, and brandishing or using any weapon.

b) Threats are words or actions that would compel a reasonable person to engage in unwanted sexual activity. Examples include threats to harm a person physically, to reveal private information to harm a person's reputation or cause a person academic or economic harm.

c) Intimidation is an implied threat that menaces or causes reasonable fear in another person. A person's size, alone, does not constitute intimidation; however, a person's size may be used in a way that constitutes intimidation (e.g., blocking access to an exit).

d) Coercion is the use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to have sex. When a person makes clear a decision not to participate in a particular form of Sexual Contact or Sexual Intercourse, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can be coercive. In evaluating whether coercion was used, the College will consider: (i) the nature of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the frequency and duration of the pressure. To constitute coercion, conduct must result in wrongfully impairing another individual's freedom of will to participate in sexual activity.

Consent cannot be gained by taking advantage of the Incapacitation of another, where the person initiating sexual activity knew or reasonably should have known that the other was incapacitated. Incapacitation means that a person lacks the ability to make informed, rational judgments about whether or not to engage in sexual activity.

A person who is incapacitated is unable, temporarily or permanently, to give Consent because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is taking place. Mentally helpless means a person is incapable of appraising or controlling one's own conduct. Physically helpless means a person is physically unable to communicate willingness or unwillingness to an act. A person may be incapacitated as a result of the consumption of alcohol or other drugs, even where voluntary, or due to a temporary or permanent physical or mental health condition. *The College offers the following guidance on Consent and assessing Incapacitation:*

A person who wants to engage in a specific sexual activity is responsible for obtaining Consent for that activity. Lack of protest, lack of resistance, and silence and/or passivity do not constitute Consent. Relying solely on non-verbal communication before or during sexual activity can lead to misunderstanding and may result in a violation of this policy. It is important to not make assumptions about whether a potential partner is consenting. In order to avoid confusion or ambiguity, participants are encouraged to talk with one another before engaging in sexual activity. If confusion or ambiguity arises during sexual activity, participants should stop and clarify a mutual willingness to continue that activity.

Consent to one form of sexual activity does not, by itself, constitute Consent to another form of sexual activity. In addition, Consent to sexual activity on a prior occasion does not, by itself, constitute Consent to future sexual activity. In cases of prior or ongoing relationships, the manner and nature of prior communications between the parties and the context of the relationship may have a bearing on evaluating the presence of Consent, but any sexual activity must still be mutually agreed-upon.

Consent may be withdrawn at any time. An individual who seeks to withdraw Consent should communicate, through clear words or actions, a decision to cease the sexual activity. Once Consent is withdrawn, the sexual activity must cease immediately.

In evaluating Consent in cases of alleged incapacitation, the College asks two questions: (1) *Did the person initiating sexual activity know that the other party was incapacitated? and if not, (2) Should a sober, reasonable person under the same circumstances have known that the other party was incapacitated?* If the answer to either of these questions is "YES," Consent was absent and the conduct is likely a violation of this policy.

Incapacitation is an extreme form of intoxication. Incapacitation can also be caused by certain medical conditions. A person is not necessarily incapacitated merely as a result of ingesting alcohol or other drugs. The impact of alcohol and other drugs varies from person to person; each individual may have a different level of tolerance or metabolism. One is not expected to be a medical expert in assessing incapacitation. Instead, one must look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. A person's level of intoxication can change rapidly, and a person can reach incapacitation within a short time span. Although every individual may manifest signs of incapacitation differently, typical signs include slurred or incomprehensible speech, unsteady gait, combativeness, emotional volatility, vomiting, or incontinence. A person

who is incapacitated may not be able to understand some or all of the following questions: “Do you know where you are?” “Do you know how you got here?” “Do you know what is happening?” “Do you know whom you are with?”

The introduction of alcohol or other drugs may create ambiguity for all involved as to whether Consent has been sought or given. If one has doubt about either party’s level of intoxication, the safe thing to do is to forego all sexual activity.

*Being impaired by alcohol or other drugs is not a defense to any violation of this policy.*

#### WHAT SERVICES DOES CAMPUS POLICE OFFER TO SURVIVORS?

The Campus Police Department has officers who have received specialized training in handling and investigating such offenses.

- Campus Police officers will assist survivors by obtaining medical attention for any injuries, fully investigating the incident, and serving as a liaison with the Amherst Police Department and the District Attorney’s office.
- College personnel, including the sexual offenses services counselor, deans, Student Life staff, Title IX Coordinators and Deputy Coordinators, and Campus Police officers will assist survivors in notifying appropriate law enforcement authorities upon request.
- College staff will also advise survivors of their rights to counseling and other services offered by the College and the community.

Survivors are involved in all decisions about proceeding with criminal charges. Survivors are involved in all decisions about proceeding with criminal charges. If the survivor of a rape or sexual assault, domestic violence, dating violence, of stalking chooses to proceed in this manner, Campus Police Department will provide assistance and guidance and will serve as a liaison with the District Attorney’s Office.

Pursuant to Title IX, Hampshire College is committed to providing a campus environment free of sexual discrimination, sexual harassment and sexual assault. Sexual assault is a form of sex discrimination that violates Title IX; accordingly anyone who has been assaulted may contact the Title IX Coordinator at ext. 5442.

#### DOMESTIC & DATING VIOLENCE AS DEFINED BY MASSACHUSETTS LAW AND THE CLERY ACT

Domestic and dating violence can happen to anyone at any time in any type of relationship.

- Campus Police is available to assist survivors of on- and off-campus domestic violence.
  - Officers are trained to respond to survivor’s needs, including by helping them obtain restraining orders from the courts to prevent further violence. If someone is harming you, call Campus Police for help.
- Health and Counseling Services, Spiritual Life Staff, Center for Women and Community at UMASS and the Victim Advocates at the Hampshire District Court are also resources.

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## WHAT ARE DOMESTIC VIOLENCE AND DATING VIOLENCE?

**Domestic Violence** is personal violence directed at someone who is, or was:

- In a substantive dating relationship with the offender
- Is or was a family or household member of the offender
- Shares a child in common with the offender

**Dating Violence** is defined by the Clery Act as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

**Note:** “Dating violence” is not a specifically-defined crime in Massachusetts, but is being used for the purposes of this report to meet federal Clery Act requirements. Statistics in this category are gathered from crimes meeting this Clery Act definition.

## STALKING & CYBER STALKING

Stalking and cyber stalking are behaviors prohibited by college policy and Massachusetts law. In Massachusetts, such actions are felonies.

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## WHAT IS STALKING?

**Stalking** is defined under Massachusetts law as (1) willfully and maliciously engaging in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and (2) making a threat with the intent to place the person in imminent fear of death or bodily injury.

Anyone can be the victim of a stalker, including college students and employees from any economic, ethnic, or religious group. A few victims are picked at random by their stalker, but most stalking victims know their stalker, usually having had some type of present or past relationship. The perpetrator can be an intimate partner or former partner, classmate, roommate, or other acquaintance. A victim can be stalked for several days or for many years. The stalker’s actions can also affect family, friends, and coworkers. Stalking and criminal harassment can be difficult to distinguish.

- If you or someone you know is experiencing a similar situation, please get help.
- If you feel frightened or uncomfortable about someone’s specific behavior, pay attention to your instincts! Seek help.
- If you are the victim of a stalker, in addition to getting help, let those close to you know about the situation; maintain logs of contacts received and retain any emails, letters, or communication; take basic steps for safety such as parking in well-lit areas, walking with a friend, etc.

## SEXUAL VIOLENCE PREVENTION

The College is committed to the prevention of Sexual Misconduct, Relationship Violence, and Stalking through education and awareness programs. Incoming students and new employees receive primary education and prevention training as part of their orientation, and returning employees and students receive ongoing training and related programs.

The College has designated the Title IX Coordinator and Deputy Title IX Coordinators with oversight of providing education, prevention and training programs as required by Title IX, Clery and VAWA.

Resources are also available through the Department of Campus Police Website (shared by Hampshire, Mount Holyoke, and Smith Colleges): <https://www.mtholyoke.edu/campuspolice>. The website offers safety information including: locations of call boxes and 911 telephones, transportation services, programs and workshops offered by campus police on sexual assault prevention, and general safety tips.

Examples of Programs on sexual violence prevention include:

**Student Success TM** Every Choice online bystander intervention program is a required online training for all new students, orientation leaders, and resident advisors each fall. The program includes information about, and links to, College policies and resources, and focuses on preparing students to intervene in situations involving sexual violence, relationship violence and stalking. In addition, returning students receive a “refresher program” that covers a variety of topics including consent, healthy relationships and bystander intervention. Contact Charity O’Connor at [coconnor@hampshire.edu](mailto:coconnor@hampshire.edu) for more information.

**Consensual Sensual:** Sexual Violence Prevention is a required orientation program for all incoming students. It is a performance designed to educate and start dialogue about sexual assault, sexual violence prevention, healthy relationships, consent, and communication. The performance contains a series of vignettes with examples of consent conversations, bystander strategies, and stories of support for both survivors and those who have perpetuated violence. The cast and crew consists of sexual violence survivors, allies, consent educators, trauma counselors, and safer sex educators. Small group discussions follow the performance, with professional support available. Contact Charity O’Connor at [coconnor@hampshire.edu](mailto:coconnor@hampshire.edu) for more information.

**Bystander Intervention Programs at Hampshire College.** Bystander intervention programs are designed to provide knowledge and skills to individuals who observe or witness a situation that could potentially perpetuate violence and teaches them how to intervene safely. This approach gives community members concrete tools to use to intervene including naming and stopping a situation, creating a distraction to disrupt a concerning interaction, calling on others for help when needed and speaking out against behaviors or actions that support rape culture. Student Life staff have been trained in multiple bystander intervention training models including Green Dot and Safe Passage: Say Something. These trainings are offered during orientation, for specific groups of student leaders, and in residence halls. The training is also available to staff and faculty. For more information, to request a training or to become involved, contact Charity O’Connor at [coconnor@hampshire.edu](mailto:coconnor@hampshire.edu).

## BYSTANDER INTERVENTION PROGRAMS AT HAMPSHIRE COLLEGE

Bystander intervention programs are designed to provide knowledge and skills to individuals who observe or witness a situation that could potentially perpetuate violence and teaches them how to intervene safely. This approach gives community members concrete tools to use to intervene including naming and stopping a situation, creating a distraction to disrupt a concerning interaction, calling on others for help when needed and speaking out against behaviors or actions that support rape culture. Student Life staff have been trained in multiple bystander intervention training models including Green Dot and Safe Passage: Say Something. These trainings are offered during orientation, for specific groups of student leaders, and in residence halls. The training is also available to staff and faculty. For more information, to request a training or to become involved, contact the Title IX office.

Employee Training on sexual assault, relationship violence, and harassment, and College policies and procedures, is provided to new employees as part of their orientation and current employees receive ongoing training and related education. The College is committed to maintaining an education and employment environment free from harassment and discrimination and offers regular and ongoing education and awareness programs. Contact Dianna Williams at [dwilliams@hampshire.edu](mailto:dwilliams@hampshire.edu) or Amy Hunter at [ahunter@hampshire.edu](mailto:ahunter@hampshire.edu) for more information.

## WARNING SIGNS OF ABUSIVE BEHAVIOR

Because relationships exist on a spectrum, it can be hard to tell when a behavior crosses the line from healthy to unhealthy or even abusive. Use these warning signs of abuse to see if your relationship is going in the wrong direction. If the person you have a relationship with:

- Is checking your cell phone or email without permission
- Is constantly putting you down
- Is extremely jealous or insecure
- Has an explosive temper
- Is isolating you from family or friends
- Is making false accusations
- Has mood swings
- Is physically hurting you in any way
- Is possessive
- Is telling you what to do

See <http://www.loveisrespect.org/> for more information and resources.

## RISK REDUCTION FOR SEXUAL ASSAULTS

With no intent to victim-blame and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one's risk of sexual assault or harassment:

1. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
2. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
3. Make sure your cell phone is with you and charged and that you have cab money.

4. Isolation is a strategy of some assaulters. Meet new acquaintances in public places you are familiar with.
5. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
6. Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
7. Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
8. Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
9. If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
10. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame. Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.

#### REPORTING INCIDENCES OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT & STALKING

When an incident involving domestic violence, dating violence, sexual assault, or stalking occurs, report the incident to Campus Police (dial **x1911** or 413-559-5424).

Some survivors may not feel comfortable reporting the situation to a Campus Police officer and may report the incident to:

- The Title IX Coordinator or Deputy Coordinators
- Dean of Students Office
- Health and Counseling Services (confidential)
- Spiritual Life (confidential)

Any of these offices will offer survivors the option to report the crime to the appropriate law enforcement department (on campus and/or local) if the survivor chooses to file a report; however, survivors are not required to report to a police department. Filing a report does not mean the survivor has to press charges, and survivors may decline notifying law enforcement agencies.

Campus Police can provide and/or arrange for investigation and preservation of evidence for a survivor (see **Maintaining Evidence below**), provide treatment of any injuries, arrange for any further medical treatment, and can assist a survivor with legal remedies to assist the survivor.

Other offices can provide support and assist the survivor/ with campus assistance when needed.

- Campus Police can serve as a liaison.
- Someone from the Office of the Dean of Students is available 24 hours a day to respond to a crisis when school is in session.

- The Title IX Coordinator can assist a survivor who needs academic assistance by working with an academic dean and residence hall assistance by working with the residence life staff.

## COLLEGE SUPPORT FOR SURVIVORS

The college provides assistance to survivors of sexual assault, domestic violence, dating violence, and stalking. Interim measures may be put in place before the end of a campus or criminal proceeding if necessary for the protection of the survivor.

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## SAFETY MEASURES AND CAMPUS AND COURT ORDERS

- The College will provide written notification to and will work with the survivor to put in place safety measures appropriate to the situation, regardless of whether the crime was reported to campus or local police and regardless of whether the incident occurred on or off campus both in the interim from when they notify the college through the conclusion of college or legal action when necessary. These may include, and will be provided when appropriate and reasonably available:
  - The College will assist the survivor with notifying campus or local police
  - The College will facilitate campus housing or academic changes, as necessary.
  - The College will facilitate changes in transportation, as necessary.
  - The College will facilitate changes in working conditions, as necessary.
  - The College will issue campus No-Contact Directives, as requested.
  - The Campus Police will issue Trespass Notices, as necessary.
  - The College will assist survivors in obtaining harassment prevention or domestic violence prevention order through the local court under Massachusetts General Laws ch. 258E or 209A.

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## CAMPUS & COURT ORDERS

Campus Police and the Dean of Students can assist survivors in obtaining protections:

- **Campus No-Contact Directive:** Issued by the Title IX office to limit contact between students
- **Restraining Order:** Issued by the courts ordering the respondent to refrain from abusing or contacting a complainant. Issued when the court determines a domestic relationship occurred (see legal definition of Domestic Violence at the end of this brochure). The courts have Victim Advocates that can assist survivors with the court process and to establish appropriate protections.
- **Harassment Prevention Order:** Issued by the courts ordering the respondent to refrain from contacting or harassing the complainant. Can be an option in dating violence and stalking situations as well as sexual assault situations where no long-term relationship exists between the respondent and complainant.

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## HOUSING, ACADEMIC, AND OTHER CAMPUS CHANGES

The college will provide written notification to and will change a survivor's or respondent's academic, living, transportation, or workplace situation after an alleged offense if the survivor requests such assistance and if such changes are reasonably available.

- Requests for these changes are coordinated through the Title IX Coordinator and the Office of the Dean of Students, or for workplace situations, these will be coordinated through the Human Resources office.

- The college will maintain as confidential any accommodations or protective measures provided to a survivor, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

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## ASSISTANCE IN CONNECTING WITH EXTERNAL RESOURCES

Campus Police and the Title IX Coordinator, Dean of Students, and Director of Residence Life will assist survivors (students & employees) notifying and connecting with external resources, including the local police department, state police department, or personnel from the District Attorney's Office, include SafePlan and survivor/witness staff only if the survivor wishes to utilize those services. The survivor has the right to decline notifying law enforcement; a decision to utilize law enforcement or to decline to utilize law enforcement will not impact the College's obligations under Title IX and its own policies.

Confidential, sensitive care, examination, and treatment are available for students at Health Services; students and employees can receive 24 hour care at local hospitals or other medical facilities. The Campus Police dispatcher can assist a survivor or friend in determining current hours and other options by dialing x5424 (**1911** for emergencies.)

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## MAINTAINING EVIDENCE IN CASES OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

An important part of the criminal investigation is the collection of physical evidence.

- Survivors of sexual assault should go to the Cooley Dickinson hospital as soon as possible after the incident (without showering, douching, or changing first, although they should bring a change of clothes if possible). Specially-trained Sexual Assault Nurse Examiners (SANE) will provide treatment and collect evidence that can be used later. If you choose to go forward with charges in the future, the hospital can then, with your permission, share your name with law enforcement.
- Survivors of sexual assault, domestic violence, dating violence, or stalking should seek treatment through Health Services or a local hospital.
- Campus Police officers can assist with triage and can request transportation to on- or off-campus health resources.
- Any evidence collected by police or SANE nurses will be used *only if the survivor chooses to prosecute*.
- Preserve any text messages or other electronic or voice evidence. Provide investigators with any photos, items sent by the perpetrator, etc.
- Similarly, Campus Police investigators can collect evidence for survivors of other domestic violence, dating violence, and stalking – along with other crimes.

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## COLLEGE DISCIPLINARY PROCEDURES FOR DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING

This policy is established to assure a fair and impartial process in the investigation of sexual assault, stalking, dating violence, and domestic violence cases.

The Sexual Misconduct, Relationship Violence and Stalking Policy, applies to students who are enrolled for credit- or non-credit-bearing coursework, including students taking courses at Hampshire College through the Five College Interchange ("Students"); Hampshire College employees and Five 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 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.

This policy applies to all Sexual Misconduct Violations occurring on or after the effective date of this policy. Where the date of the Sexual Misconduct Violation precedes the effective date of this policy, the definitions of misconduct in existence at the time of the alleged incident(s) will be used. The procedures under this policy, as set forth in Appendices A and B, however, will be used to investigate and resolve all reports made on or after the effective date of this policy, regardless of when the incident(s) occurred. Appendix A describes disciplinary procedures for when a student is accused of committing a violation of this section; Appendix B addresses procedures for employees accused of violations.

All complaints of sexual assault, relationship violence, and stalking should be brought to the attention of the Title IX Office.

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## RIGHTS OF ACCUSER & ACCUSED

- Both the accuser and accused will be notified in writing simultaneously about the outcomes of the hearings and any sanctions imposed, procedures for appealing the results, and to any change to the results as well as the final outcome.
- The accuser and accused may both appeal the sanctions imposed and will be provided written instructions about how to file an appeal.
- The college will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense the report on the results of any disciplinary proceeding conducted by the college against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of the crime or offense, the next of kin of the victim shall be treated as the alleged victim for the purpose of this paragraph.

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## TITLE IX INVESTIGATIONS AND POLICE INVESTIGATIONS

The college will not wait for the conclusion of a criminal investigation or criminal proceeding to begin its Title IX investigation and, if needed, will take immediate steps to protect the student in the educational setting. For example, the college will not delay conducting its own investigation or taking steps to protect the complainant because it wants to see whether the alleged perpetrator will be found guilty of a crime. If the survivor or the district attorney chooses to pursue criminal charges based on the complaint of harassment or assault, the college may need to delay temporarily the fact-finding portion of a Title IX investigation while police are gathering evidence; once notified that the police department has completed its gathering of evidence (not the ultimate outcome of the investigation or the filing of any charges), the college will promptly resume and complete its fact-finding for the Title IX investigation. However, temporary safety measures, if needed, will be put into place.

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## STANDARD OF EVIDENCE

Other than where otherwise legally mandated, the College uses the preponderance of the evidence standard (more likely than not) as the threshold for determining responsibility for a campus violation or conduct issue.

## CASES ALLEGEDLY COMMITTED BY A HAMPSHIRE STUDENT

The Sexual Misconduct, Relationship Violence, and Stalking Policy (<https://handbook.hampshire.edu/node/40>) applies to all student and employee sexual misconduct violations. Complaints may be filed with the Title IX Coordinator and Deputy Coordinators. Where students are respondents, Appendix A procedures will apply; where employees or third parties are respondents, Appendix B procedures will apply. For other types of violations that do not fall under the Sexual Misconduct Policy, the Student Handbook policies and processes apply to students and the Employee Policy Manual policies and processes apply to Employees.

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## POTENTIAL SANCTIONS - STUDENTS

The following is a list of outcomes for those found to have engaged in sex offenses, domestic violence, dating violence, and stalking:

The potential sanctions for a violation of the Policy, as set forth in the Outcomes and Sanctions set forth in Norms for Community Living and Policies, could include: Deferred Sanction Statuses, Disciplinary Probation, Removal from Campus Housing, Housing Relocation, Housing Lottery Restriction, No Contact Order, Restitution, Suspension, and Expulsion. Any Student found responsible for Sexual Assault involving Sexual Intercourse will face a minimum sanction of suspension or expulsion.

## CRIMES ALLEGEDLY COMMITTED BY EMPLOYEES

The [Sexual Misconduct, Relationship Violence and Stalking Policy](https://handbook.hampshire.edu/node/40) (<https://handbook.hampshire.edu/node/40>) applies to all student and employee sexual misconduct violations. Complaints may be filed with the Title IX Coordinator and Deputy Coordinators. Where students are respondents, Appendix A procedures will apply; where employees or third parties are respondents, Appendix B procedures will apply. For other types of violations that do not fall under the Sexual Misconduct, Relationship Violence and Stalking Policy, the Student Handbook policies and processes apply to students and the Employee Policy Manual policies and processes apply to Employees.

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## POTENTIAL SANCTIONS – EMPLOYEES

Sanctions for Employee and Third Party Respondents include, but are not limited to, verbal or written Warning, Censure, Education, Training, Removal of Privileges, No Contact Directive, Suspension, and/or Termination from Hampshire College employment. This list is not progressive and any sanction or combination of sanctions may be imposed. Any Employee or Third Party found responsible for Sexual Assault involving Sexual Intercourse will face a minimum sanction of suspension or termination from employment at Hampshire College. Sanctions are effective immediately, unless otherwise specified.

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## PROGRAMS ON CRIME AWARENESS & SAFETY TOOLS

The Campus Police Department, in cooperation with the Residence Life, makes sexual assault awareness programs available to every residence hall and student group. The following are offered regularly on campus:

- Workshops on self-defense
- Rape Aggression Defense (RAD)
- Crime awareness workshops
- Sexual assault, domestic violence, dating violence, and stalking awareness information is included as part of first-year orientation and throughout the year.
- Training for incoming students and employees as well as on an ongoing basis
- Sexual Assault Violence Activism Month (April annually)
- Title IX Training
- Sexual Harassment training for new faculty and staff
- Training for Resident Advisors on how to report crimes, policies
- Campus Sexual Violence Elimination Act training

## RESOURCES FOR SURVIVORS

The college will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community. Some of these resources are listed below.

### On Campus

- Campus Police Officers trained to assist survivors and investigate sexual assaults, domestic violence, dating violence, stalking, and other personal crimes | Dial **1911** or 413-559-5424
- Health & Counseling Services | x5458 (confidential)
- [Dean of Students Office](#) | x5412
- [Title IX Coordinator](#) | x5442
- Sexual Misconduct Policy (<https://handbook.hampshire.edu/node/40>)
- Resources included in **Appendix A** (for students) and **Appendix B** (for employee and third party perpetrators)
- Materials available at the Campus Police Office and online [https://www.mtholyoke.edu/campuspolice/victim\\_assistance](https://www.mtholyoke.edu/campuspolice/victim_assistance)
- [Student Handbook](#)
- The Campus Police Web site: (<https://www.hampshire.edu/campus-police/campus-police>)

### Off Campus

- The Amherst Police Department | 911 from a cell phone or 413-259-3000
- Cooley Dickinson Hospital | 413-582-2000
- [Northwest District Attorney Victim/Witness Advocates](#) (assistance in obtaining protective orders, assistance in preparing for court, referrals to mental health resources, etc.) | 413-586-5780
- [Safe Passage](#) (Support for victims of domestic violence) | 888-345-5282
- SAFEPlan (District Court Advocates) | 413-586-4545
- [Victim Rights Law Center](#) | 617-399-6720 in Massachusetts (general legal assistance including visa and immigration assistance and financial stability)
- [Center for Women and Community](#) - Counselor/Advocate Program provides free and confidential crisis services in Hampshire County and the Five College Community. Supports survivors of rape, sexual assault, stalking, domestic violence, emotional, psychological and verbal abuse
- [Massachusetts Office of Victim Assistance](#) – One of MOVA's most important functions is to provide direct assistance to crime victims
- [Jane Doe Inc.](#) – The Massachusetts Coalition Against Sexual Assault and Domestic Violence

The Sexual Misconduct, Relationship Violence, and Stalking policy can be found at: <https://handbook.hampshire.edu/node/40>.

## SEXUAL OFFENDER REGISTRY AND ACCESS TO RELATED INFORMATION

The federal Campus Sex Crimes Prevention Act requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a state to provide notice to the state of each institution of higher education in that state at which the person is employed, carries on a vocation, or is a student.

In Massachusetts, convicted sex offenders must register with the state's Sex Offender Registry Board; this includes anyone enrolled at or employed by the College, even if they are registered in their home jurisdiction in one of three categories (Level 1—considered a low-risk offender, Level 2—considered a moderate risk offender, and Level 3—considered a high-risk offender). Any member of the public who is at least 18 years of age may request sex offender information.

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#### MASSACHUSETTS SEX OFFENDER REGISTRY BOARD

<http://www.mass.gov/eopss/agencies/sorb/>

The Sex Offender Registry Board is the state agency responsible for keeping a database of convicted sex offenders and classifying each offender so that the public may receive information about dangerous sex offenders who live or work in each community. The goal of the Sex Offender Registry is to educate the public and to prevent further victimization. Members of our community may also contact the Amherst or Hadley police departments to ask for information on sex offenders in those communities.

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#### NATIONAL SEX OFFENDER REGISTRY

<http://www.nsopw.gov/Core/Portal.aspx?AspxAutoDetectCookieSupport=1>

This Web site is provided as a public service by the U.S. Department of Justice. Using this Web site, interested members of the public have access to and may search participating state Web site public information regarding the presence or location of offenders, who, in most cases, have been convicted of sexually-violent offenses against adults and children and certain sexual contact and other crimes against victims who are minors. The public can use this Web site to educate themselves about the possible presence of such offenders in their local communities.

### BEING AN ACTIVE BYSTANDER

Regardless of how close to the situation they are, bystanders have the power stop relationship and sexual violence, insensitivity, and oppression from occurring and to get help for people who have been affected.

Understand, we are not advocating that people risk their own safety in order to be an active bystander, though we also believe that the creation of the inclusive campus we want takes all members of the community to be involved in the work of change. Remember, there is a range of actions that are appropriate, depending on the situation.

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#### WHAT CAN I DO IF I BELIEVE SOMEONE IS IN AN UNSAFE SITUATION?

- First, assess the situation to determine what action, if any, might be appropriate & safe.
- Second, evaluate options and choose strategies for responding either at the time or later.
- Whether or how an Active Bystander takes action will depend on the situation. Such actions may include:
  - Explain to the victim that you are concerned for their safety and why – they may not recognize they are in an unsafe situation, or may not realize they can get help stopping the unacceptable behavior.
  - Interrupting the behavior – if it is safe for the bystander, tell the victim that you have an important call for them, or that it is time for “that meeting”
  - Calling for help when needed – see grid below
  - Support the victim – offer, if they are willing, to accompany them to report the situation

- If the person is not willing to accept help, you can talk to the Title IX Coordinator, Deans Office, or Campus Police for more strategies and how to support to help the victim, keeping in mind that all of these individuals are responsible employees who may need to respond to the information you share to ensure a safe campus. Additional resources include:

If Incident Involves ...	Contact...
Another student	<ul style="list-style-type: none"> <li>• Housing staff</li> <li>• Dean of Students</li> <li>• Campus Police</li> <li>• Health &amp; Counseling Center (confidential)</li> <li>• Spiritual Life (confidential)</li> </ul>
A faculty member	<ul style="list-style-type: none"> <li>• School Dean</li> <li>• Office of the Dean of Faculty</li> </ul>
A staff member	<ul style="list-style-type: none"> <li>• The director of that employee's department or the Director of Human Resources</li> </ul>

### **IMPORTANT CAUTIONS:**

- **Do not** engage a violent person and endanger your safety; step back and call Campus Police to respond
- For **immediate help** from Campus Police **dial x1911** from a campus phone or (413) 559-5424 from a cell phone

## **FIVE COLLEGE EMERGENCY RESOURCES**

If you are taking a course at, or are visiting one of the Five College institutions, their campus police departments are willing to help you if there is an emergency on their campus. The Five College campus police departments work cooperatively to support the students of our member institutions as they travel among the colleges.

### **Campus Police Departments**

Amherst College Campus Police	413-542-2291
Hampshire College Campus Police	413-559-5424
Mount Holyoke College Campus Police	413-538-2304
Smith College Campus Police	413-585-2490
UMASS Campus Police	413-545-2121

### **Municipal Police Departments**

Amherst Police	413-259-3000
Northampton Police	413-587-1100
South Hadley Police	413-538-8231

## CLERY ACT CRIMES 2015 – 2017

These statistics are compiled from all incidents reported to Campus Police, as well as any third party reports forwarded by other campus officials, as well as any reported to police departments with concurrent jurisdiction over on campus and non-campus College property.

Hampshire Clery Crime Statistics	All On-Campus Property			Non-Campus Property			Public Property			Residential Only		
	2017	2016	2015	2017	2016	2015	2017	2016	2015	2017	2016	2015
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	1	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	1	1	2	0	0	0	0	0	0	0	0	1
Burglary	11	7	8	0	0	0	0	0	0	4	2	7
Sex Offenses												
Rape	3	7	8	0	0	0	0	0	0	3	4	7
Fondling	1	2	1	0	0	0	0	0	0	0	1	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
VAWA Offenses												
Domestic Violence	2	0	0	0	0	0	0	0	0	2	0	0
Dating Violence	2	3	6	0	0	0	0	0	0	1	2	5
Stalking	2	4	3	0	0	0	0	0	0	1	3	2
Arrests & Disciplinary Referrals												
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	3	25	24	0	0	0	0	0	0	3	22	23
Drug Law Arrests	1	0	1	0	0	0	0	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	10	36	49	0	0	0	0	0	0	9	35	48
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Illegal Weapons Possessions Referred for Disciplinary Action	6	2	5	0	0	0	0	0	0	4	2	5

Of the incidents reported above, one dating violence case occurred in 2013; two rapes occurred in 2015, and one stalking incident occurred in 2015.

### Unfounded Reports

No incidents were unfounded in 2016. One rape in a residence hall was unfounded in 2015. No incidents were unfounded in 2015.

**Notes:**

- Residential statistics are a subset of the total incidents reported on campus.
- Non-campus property includes: any college-owned property not within the direct jurisdiction of the campus proper.
- Public Property is the area immediately surrounding the campus, including the sidewalk on the campus side, the road, and the sidewalk on the non-campus side of the road.
- One arson incident in 2015 involved jeans set on fire in residential kitchen; one involved burning of a small amount toilet paper on campus.

**FEDERAL LAW BIAS INCIDENTS**

Colleges are required to report any crimes in the categories above that included any bias toward the victim's race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability, as well as for the following additional crimes if they have a bias component: larceny (theft), simple assault, intimidation, vandalism and other crimes involving bodily injury.

Year	Number & Location		Category of Bias
2017	On Campus	1	Vandalism: Anti-African-American & Anti-Transgender. In addition, there were three additional incidents reported involving hate that do not meet the Clery Act definition occurred on campus, one involving a racial epithet and two involving anti-Jewish graffiti in public areas.
	In a Residence	0	
	Non-Campus	0	
	Public Property	0	
2016	On Campus	1	Anti-African-American vandalism. There were several incidents of bias symbols found on campus, but they did not meet the Clery definition for bias crime.
	In a Residence	0	
	Non-Campus	0	
	Public Property	0	
2015			
	On Campus	0	There were three anti-Jewish bias incidents not meeting Clery definitions in campus academic buildings.
	In a Residence	0	n/a
	Non-Campus	0	n/a
	Public Property	0	n/a

### EMERGENCY RESPONSE

Any emergency should be promptly reported to Campus Police by dialing **1911 or 5555** from a campus phone, or by cell phone dialing (413) 559-5424. Alert Campus Police on the nature and location of the emergency and follow instructions provided.

Should a campus emergency exist, Campus Police will activate the Emergency Response Team. The college has a comprehensive emergency response plan that is activated any time an emergency occurs that will require emergency response team oversight to provide guidance for the College's response.

The College's Emergency Response Team assures appropriate response to any campus emergency. This team is made up of members of Campus Police, Facilities Management, student services, and other vital staff and meets regularly to plan campus emergency response, to conduct table-top and live drills to prepare for a variety of campus emergencies, assess and evaluate emergency plans and capabilities, and to debrief after any campus emergency. The Emergency Response Team also works with town police, fire and ambulance personnel to coordinate response efforts and to conduct joint drills.

### BUILDING EVACUATION

Every person in a building where the fire alarm is sounding or when directed to do so by emergency officials, regardless of known or suspected cause, is required to evacuate immediately, including employees, students, visitors, and contractors. Persons evacuating must leave via the closest exit. Any equipment that could cause a fire should be turned off before exiting if it can be done quickly and safely. Exits are posted throughout each building.

**Elevators:** Elevators cannot be used by any person as a means of emergency evacuation. Elevators in most buildings are pre-set to return automatically to the bottom floor. Use of an elevator can result in opening on the fire floor, exposure to life-threatening levels of fire or gases, and being trapped in a malfunctioning elevator.

**Assembly:** Once outside the building, all occupants should proceed to the designated assembly areas for a roll call.

- Each organization is responsible for determining the assembly areas for all buildings that their participants and staff may be using, especially the housing areas.
- These areas should be at least 25 feet away from the building and should leave access for emergency personnel to enter the building.
- The building liaison and/or faculty/instructor will take the roll call and report back to the emergency coordinator.
- The roll call is an important function as town emergency personnel responding to the incident need to determine if anyone is missing and may be in the building.
- If students or employees are missing, **do not re-enter the building!** Notify emergency response personnel and/or the emergency coordinator and inform them of the missing person's name and last known location.
- Re-entry into the area will be made only after clearance is given by the emergency coordinator or his or her designee.

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## PERSONS WITH DISABILITIES

Students with health concerns that may make it difficult to exit a building in an emergency should work with the Office for Accessibility Resources and Services Office to develop a plan to ensure safe egress in the case of fire or other emergency forcing the evacuation of a campus building.

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## CAMPUS-WIDE EVACUATION

1. Evacuation of all or part of the campus will be announced by the Campus Police Department or other appropriate agency (local authorities, Deans, etc., depending on the circumstances).
2. All persons (students and staff and their visitors) are to vacate immediately the area of campus in question and relocate to another part of the campus grounds or off campus as directed.
3. The college in collaboration with the other campuses in the Five College, Inc. has agreements and plans of mutual aid for relocation of residents should shelter be needed off campus.

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## EMERGENCY INFORMATION AND DRILLS

Emergency Procedures are posted in each building and provided to new employees at orientation. All Hampshire College residential buildings have two fire drills each semester. Academic buildings generally have drills once per year.

## EMERGENCY RESPONSE AND NOTIFICATION

Upon the confirmation of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of students or employees, and taking into account the safety of the campus community, Campus Police will notify the campus community, without delay via the college's emergency notification system.

The notification will be made unless doing so would compromise efforts to assist a victim, contain the emergency, respond to the emergency, or otherwise mitigate the emergency. In cases of isolated emergencies that do not have the potential to affect a large portion of the campus, the Emergency Response Team may elect to limit the distribution of notifications to specific segments of the campus community. The Emergency Response Team will determine what information is appropriate to disseminate at different points in time and to which segments of the community.

Depending upon the situation, alerts may also be sent to the parent/guardian contacts within the emergency notification system as registered by students. The larger community can view information posted on the college website or provided to the media.

Emergency notifications can be simultaneously broadcast in multiple formats depending on the type of incident, such as:

- Voice messages to cell, office, and home phones
- Text messages to mobile devices capable of receiving text messages
- E-mails to all campus email addresses and an alternate provided by individuals

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## PROCESS TO CONFIRM THAT THERE IS A SIGNIFICANT EMERGENCY AND NOTIFICATION

On-duty officers notify command staff on duty or on call. The command staff member on duty or on call determines the alert level required (emergency notification, timely warning, other).

- Should the emergency pose an imminent danger to the community that command staff member will, without delay, and based on the situation requiring the use of the notification system, determine the content of an alert and initiate the college's emergency notification system.
- Notification may only be delayed when, based on the professional judgment of responsible authorities, it would compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. In such cases, notification will be sent out as soon as immediate response and evaluation needs are met so members of the community receive the information promptly.
- Notifications will be worded with clear, concise instructions as to what actions members of the community should take to remain safe in the event of an emergency and may be crafted based on pre-set templates or crafted to meet the specific needs of the emergency.
- Plan activation begins at the determination of the Chief of Campus Police or his/her designee upon receipt of information of an emergency event or threat of an emergency.
- Based on confirmation from Campus Police and information obtained from local first responders and/or the National Weather Service, the Chief of Campus Police or his/her designee will assess the emergency and activate the emergency management plan to the extent necessary to control the situation.
- Notifications for some incidents may be limited to those affected by the emergency, for example loss of power in a specific building.

Every student and staff member is responsible for providing and maintaining their up-to-date emergency contact information by logging in to The Hub using your network username and password and update your emergency contact information. This allows you to be included most efficiently in emergency broadcasts via the emergency notification system. Full-scale tests of system are conducted and publicized at least annually.

More information about Hampshire's Emergency Notification System can be found online at: <https://www.hampshire.edu/campus-police/emergency-notification-system>.

## TIMELY WARNING POLICY

In the event that a Clery Act crime that creates a serious or continuing threat to students and/or employees is reported in Clery geography, a "Campus Safety Alert" (timely warning) may be distributed by the Campus Police Chief or their designee. Decisions to issue a warning are made on a case-by-case basis considering the nature and circumstances of the crime and the danger posed to the community. Community members receiving reports of crimes or incidents requiring the issuance of a Timely Warning shall report such incidents to Campus Police.

- The Campus Police Department will post a campus-wide Timely Warning alert especially in all situations that could pose an immediate, serious, or continuing threat to the students, faculty, staff, and individuals in the community and is reported to a Campus Security Authority or the Campus Police Department.
- The substance of the Timely Warning is carefully determined. The Warning will be published via bulletin boards, emails, texts, or on the college's website to inform the college community of the known facts of an incident or to publicize patterns of criminal activity in order to assist members of the campus community in preventing further incidents.

- Campus Safety Alerts also include reminders of services available, such as walking or vehicle escorts, emergency phones, and other recommendations. It is irrelevant whether the victims or perpetrators of a crime are members of the campus community.

When issuing a Timely Warning, the names of the victims remain confidential. If information is known, and if the inclusion of such information would not compromise law enforcement efforts, Timely Warnings include a description of the crime, its location, and injuries, if any, to victim(s).

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## TESTING OF THE EMERGENCY MASS NOTIFICATION SYSTEM

The notification system will be tested at least once a year. Tests may be announced or unannounced. Campus Police maintains a record of all tests conducted including date, time, description of the test, and whether it was announced or unannounced. At least once a year, the college will publicize its online procedures in conjunction with one of these tests. Residence hall evacuation drills are documented by Residential Life. More information about Hampshire's Emergency Notification System can be found online at <https://www.hampshire.edu/campus-police/emergency-notification-system>.

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## EMERGENCY CONTACT INFORMATION

Emergency contact information is collected from each new student and employee. Students are directed to the Hub during 'e-check-in.' Faculty/staff members receive an email annually asking that they go to the Hub and complete or update the information.

## DAILY CRIME AND FIRE INCIDENT LOGS

Daily logs are posted on the Campus Police website. Logs older than 60 days will be made available within two business days of a request for inspection.

- The daily Campus Police logs detail incident and arrest reports (including nature of the incidents, incident and reporting dates, times, general locations, and dispositions, if known) that occur on campus or within the patrol jurisdiction of the Campus Police Department that are reported to Campus Police.
- In instances where the release of information would result in an adverse effect—such as jeopardize an ongoing criminal investigation or the safety of an individual, affect an individual's right to privacy, cause a suspect to flee or evade detection, or result in the destruction of evidence—information will not be released. However, once the adverse effect is no longer likely to occur, information will be released in the daily log consistent with existing state and federal laws.
- When changes in incident case statuses are known, the log will reflect such changes within two business days.
- The log is posted at (<https://www.hampshire.edu/campus-police/daily-incident-log>) and is available by request at the Campus Police office in Johnson Library during normal business hours.

## ANNUAL CLERY ACT REPORT

Each year the Campus Police Department is responsible for preparing and posting an annual security report (this document) containing security policies and statistics. Statistics are gathered from Campus Police reports, campus security authorities, and from local police departments. Policy statements are gathered from responsible offices.

- Annually, all enrolled students and current employees will receive a notice of the availability of the College's annual security report on the department's web site via the college's electronic announcements; paper notices are mailed to employees in departments not traditionally utilizing computers in their workspaces.

- This notice will include the exact web site address of the College's Clery Law-compliant publication as well as information that additional copies can be requested from the Campus Police Department during normal business hours.
- Notices are also provided to prospective students and staff through the Human Resources and Admissions offices.
- A copy of these statistics, which are contained in the annual security report, are available at the Campus Police Department during normal business hours and anytime on the department's website at <https://www.hampshire.edu/campus-police/clery-campus-security-and-fire-report>.
- Hard copies can also be requested by contacting Campus Police at (413) 559-5424.
  - The Department annually submits its Clery Crime data on the Department of Education website. Data from our institution and others throughout the U.S. is available online at <https://ope.ed.gov/campussafety/#/>.

## ACCESS TO CAMPUS BUILDINGS AND GROUNDS

The College has the right to restrict access to campus grounds, academic and administrative buildings, and campus houses, which are open to faculty, staff, students, and invited guests.

- Building hours are generally business days during class hours, and unauthorized individuals may be asked to leave.
- Campus Police has the authority to issue trespass notices to unauthorized people, which is usually done upon receipt of a complaint, and to arrest anyone returning to campus after receiving such a notice.
- Most academic buildings are secured and closed between 11:00 pm and 7:00 am. Campus Police checks that only people with authorization are in buildings after hours.
- Some academic buildings have nonpublic hours for members of the community.
- When a building has nonpublic hours, the outside doors are secured and members of the community (who have been authorized) can use their key to enter the building until closing time.
- Visitors and others may be asked to leave College buildings during nonpublic hours.
- During College recesses (low occupancy periods, holidays, etc.), all building hours are subject to change.
- Both academic and administrative buildings are generally secured at 6:00 pm on weekdays and closed on weekends and holidays during recesses. The card access privileges are limited in campus houses that are closed during recesses.

Campus residences are always locked; each student is issued a key to their room.

- Campus residence student room doors and windows are provided with locking devices.
- During low-occupancy periods, Residence Life distributes to students who remain on campus information about safety protocols and specific emergency procedures.

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## SECURITY CONSIDERATIONS IN THE MAINTENANCE OF FACILITIES

Security is very important in the maintenance of campus facilities. The College's Facilities and Grounds department processes repair orders on a priority system that places safety and security items as most important. Trees are cut back from lights, outdoor lighting is checked weekly, and shrubs are cut back from building entrances and paths on a regular basis. These items are also reviewed annually during the campus lighting walk. Members of the community are invited to join the Campus Police and Facilities and Grounds managers as they walk the campus reviewing lighting, blue-light phone needs, and other security considerations.

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## ACCESS TO CAMPUS PROGRAMS

Hampshire College is a member of the Five College Consortium (along with Amherst, Smith, and Mount Holyoke Colleges, and the University of Massachusetts) that shares some faculty, programs, and services. Students from the Five Colleges regularly attend member institution programs, classes, events, etc. Additionally, the campus welcomes visitors and guests to many programs and events.

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## ACCESS TO CAMPUS RESIDENCE HALLS

Merrill and Dakin Houses are traditional residence halls. These buildings are kept locked. Residents are provided keys and a campus access card that open exterior doors as well as their individual room.

The other three residential areas, Greenwich, Enfield and Prescott, are apartments. The College is installing systems throughout these areas that automatically lock all doors leading directly to the outside community. All of Greenwich and a portion of Prescott have such systems in place. Hampshire College strongly encourages residents to keep both apartment and bedroom doors and windows locked. During winter recess, the residential areas are closed.

Access to residential facilities must be granted by the student host residing in that building. Guests must be registered with the appropriate area office and their vehicles must be registered with Campus Police. Guests are permitted for up to one week. While on campus, guests are expected to abide by the college's Norms for Community Living and Policies. Ultimate responsibility for behavior of guests rests with the student host.

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## OFF-CAMPUS STUDENT ORGANIZATIONS

Hampshire College does not have any recognized off-campus student organizations (such as social sororities) or student organizations with off-campus housing facilities.

## CRIME PREVENTION PROGRAMS

The Campus Police Department is actively involved in student life on campus, providing security information, planning, and training for large events such as orientation, spring jam, and commencement, as well as sporting events and various College assemblies.

Campus Police staff work with campus organizations to clarify roles, relevant campus policies and state laws, and behavior expected from participants. In addition, Campus Police Officers are available to present crime prevention programs on such topics as those listed under Programs on Crime Awareness, the following programs are also offered:

- Workshops on self-defense (throughout the year),
- Prevention of crime (orientation & throughout the year),
- Alcohol and drug awareness, and
- Active Threat workshops (as requested)
- Crime awareness programs (often provided to a student group, residential student groups, or campus department)
- Services such as child seat installation (as requested)
- Laptop engraving
- Bicycle registration

- Office security audits

Normally, at least six programs are scheduled on campus; additional programs are provided in cooperation with student and employee groups.

A common theme among crime prevention programming is that not only do students and employees have a responsibility for their own personal security, but we are responsible for the safety of others. We encourage students and staff to call Campus Police if they are concerned about something that threatens the security of themselves and others.

The Department makes these programs available to employees, and also offers active threat training and security assessments for departments to increase safety awareness and aid in improving security procedures. Such programs are available throughout the year at the convenience of the requesting department.

The Department also participates in events such as Orientation and Alcohol Awareness events when requested.

## STUDENTS' AND EMPLOYEES' RESPONSIBILITIES UNDER THE LAW

Students have the same rights and responsibilities as other citizens and are expected to follow College policies and applicable federal, state, and local laws.

## DRUGS AND ALCOHOL ON CAMPUS

Hampshire College complies with the federal Drug-Free Schools and Communities Act of 1986 as amended in 1989, and the Drug-Free Workplace Act of 1988 as amended, as well as all current laws regarding the sale, use, and possession of illegal narcotics and alcohol. Hampshire College policies attempt to provide a healthy environment by preventing the use of illegal drugs or abuse of alcohol within the College community and in response to the federal drug-free legislation.

- The College prohibits the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances and alcohol by any member of the faculty, staff, or student body on College property or at any College-sponsored function, whether on or off the campus, and requires the cooperation of the entire campus community in its pursuit to maintain a drug-free environment in all phases of campus life.
- Any faculty, staff member, or student who violates this prohibition, or who does not cooperate with the College in its attempts to maintain a drug-free environment, will face disciplinary action up to and including expulsion or dismissal from the College and may be required, as a condition of continuing the faculty/staff/student relationship with the College, to enroll at her or his own expense in a substance abuse counseling and treatment program.
- In accordance with federal law, if you were convicted of a drug offense in any criminal proceeding while you were receiving federal student aid (such as grants, loans, or work-study), it may affect your eligibility for financial aid.
  - Refer to the Student Handbook and the employee Policy Manual for more information about the federal, state, local, and campus sanctions against illegal drug and alcohol use and abuse, possession, distribution and dispensation offense.
- In addition, the Drug-Free Workplace Act of 1988 requires any employee (including students working under the Federal Work Study Program) directly engaged in working at Hampshire College under provisions of a federal grant or a contract who is convicted under a criminal drug statute for conduct in the workplace (site for performance of work done in connection with a particular federal grant or contract) must report this conviction to the College no later than five days after the conviction.

- Once informed of such a conviction, the College is required by law to notify the federal contractor or grantor within ten days after an employee's conviction or within ten days after it has actual knowledge of such conviction, whichever is earlier.
- Possession of kegs of alcohol is permitted only with a permit from the town of Amherst. A town permit must be applied for from the Amherst police chief at least one week prior to the event.
- Beer kegs are not permitted on campus without the prior approval of the area coordinator for the area for parties in student residences and the appropriate student life professional for all campus events. In all cases, a copy of the completed permit must be provided to campus police prior to the event.

Guidelines for community responsibility, specific rules and regulations governing the consumption of alcoholic beverages at College social functions, sanctions against infractions of norms of community living or violations of College policies by any member of the College community, and descriptions of campus drug and alcohol abuse programs are outlined in Non Satis Non Scire and the Employee Policy Manual. If questions arise related to any of these guidelines or policies, direct them to the appropriate College department.

Faculty, staff, and students are encouraged to familiarize themselves with the local resources for substance abuse, counseling, and treatment. In addition, Health and Counseling Services are available to assist students with substance-related problems; in emergency situations, faculty and staff may also request their services

#### STATE PENALTIES FOR OPERATING UNDER THE INFLUENCE

	Administrative Penalties	Criminal Penalties
First Offense	<ul style="list-style-type: none"> <li>▪ Driver's license suspension: 45 to 90 days.</li> <li>▪ A license reinstatement fee ranging from \$50 to \$1,200, depending on the specifics of the situation.</li> </ul>	<ul style="list-style-type: none"> <li>▪ License suspension for 1 year.</li> <li>▪ \$500 - \$5,000 fine.</li> <li>▪ Possible jail time up to 2 1/2 years.</li> <li>▪ Possible alcohol education program.</li> <li>▪ Drivers under 18 years old must attend a Youth Alcohol Program (YAP) and serve an additional suspension period of 1 year.</li> <li>▪ Drivers between 18 and 21 years old must attend a YAP and serve an additional suspension period of 180 days.</li> </ul>
Second Offense	<ul style="list-style-type: none"> <li>▪ Driver's license suspension: Varies by time between charges.</li> <li>▪ A license reinstatement fee ranging from \$50 to \$1,200, depending on the specifics of the situation.</li> <li>▪ Mandatory installation of an ignition interlock device.</li> </ul>	<ul style="list-style-type: none"> <li>▪ License suspension of 2 years.</li> <li>▪ \$600 - \$10,000 fine.</li> <li>▪ Possible jail time between 60 days and 2 1/2 years. The judge can suspend this sentence to a minimum of 30 days; otherwise, you aren't eligible for parole until you serve 30 days.</li> <li>▪ Possible alcohol education program.</li> </ul>
Third Offense	<ul style="list-style-type: none"> <li>▪ Driver's license suspension: Varies by time between charges.</li> <li>▪ A license reinstatement fee ranging from \$50 to \$1,200, depending on the specifics of the situation.</li> <li>▪ Mandatory installation of an ignition interlock device</li> </ul>	<ul style="list-style-type: none"> <li>▪ Felony charge.</li> <li>▪ License suspension for 8 years.</li> <li>▪ \$1,000 - \$15,000 fine.</li> <li>▪ Possible jail time between 180 days and 2 1/2 years, or prison time between 2 1/2 years and 5 years. Your judge can reduce the sentence to 150 days; otherwise, you aren't eligible for parole until you serve 150 days.</li> <li>▪ Possible alcohol education program (see below).</li> <li>▪ Mandatory installation of an ignition interlock device.</li> <li>▪ Possible vehicle registration revocation.</li> </ul>

Fourth Offense	<ul style="list-style-type: none"> <li>▪ Driver's license suspension: Varies by time between charges.</li> <li>▪ A license reinstatement fee ranging from \$50 to \$1,200, depending on the specifics of the situation.</li> <li>▪ Mandatory installation of an ignition interlock device</li> </ul>	<ul style="list-style-type: none"> <li>▪ Felony charge.</li> <li>▪ License suspension for 10 years.</li> <li>▪ \$1,500 - \$25,000 fine.</li> <li>▪ Between 2 years and 2 1/2 years in jail, or between 2 1/2 years and 5 years in prison. Your judge can reduce the sentence to 12 months; otherwise, you aren't eligible for parole until you serve at least 12 months.</li> <li>▪ Possible alcohol education program (see below).</li> <li>▪ Mandatory installation of an ignition interlock device.</li> <li>▪ Possible vehicle registration revocation.</li> <li>▪ Possible motor vehicle forfeiture.</li> </ul>
Fifth Offense	<ul style="list-style-type: none"> <li>▪ Driver's license suspension: Varies by time between charges.</li> <li>▪ A license reinstatement fee ranging from \$50 to \$1,200, depending on the specifics of the situation.</li> <li>▪ Mandatory installation of an ignition interlock device.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Felony charge.</li> <li>▪ License revocation: up to lifetime.</li> <li>▪ \$2,000 - \$50,000 fine.</li> <li>▪ Possible jail time of at least 2 1/2 years, or prison time between 2 1/2 years and 5 years. Your judge can reduce this to 24 months; otherwise, you aren't eligible for parole until you serve at least 24 months.</li> <li>▪ Possible vehicle registration revocation.</li> <li>▪ Possible motor vehicle forfeiture.</li> <li>▪ Possible alcohol education program.</li> </ul>

#### CAMPUS, LOCAL, AND STATE SANCTIONS CONCERNING ALCOHOL & DRUGS

Local, state and federal laws make the illegal use of drugs and alcohol a criminal offense. Conviction can lead to imprisonment, fines and other penalties. Courts do not alter sentences so that convicted persons may attend college or continue their jobs. A felony conviction may prevent one from continuing or entering certain professions. Local towns have ordinances forbidding the possession of an open container of alcohol on any public street by a person of any age. Anyone choosing to violate such ordinances can be subject to arrest.

*No person under the age of 21 may possess or use of alcohol in Massachusetts.*

- Massachusetts law (M.G.L. ch. 138 s. 34) prohibits the sale or delivery of alcoholic beverages to persons under age 21. The penalty for violating this law may be a fine of up to \$2,000 or one year imprisonment, or both. Misrepresenting one's age or falsifying an identification to obtain alcohol is punishable by fine.
  - Massachusetts law also prohibits the possession of an open container of alcohol in the passenger area of any motor vehicle.
- There are criminal penalties for the possession and/or distribution of controlled substances or drugs without valid authorization, with penalties varying as to the type of drug.
- Sale and possession of drug paraphernalia is illegal. Under both Massachusetts and federal law, penalties for possession, manufacture, and distribution are greater for subsequent conviction, and include mandatory prison terms, with the full minimum term being served. Paraphernalia is defined as items "one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, ingest, inhale, or otherwise introduce into the human body a controlled substance."
- It is illegal to be in a place where heroin is kept and to be in the company of a person known to possess heroin.
- The penalty for drug possession under state or federal laws are ineligible for federal student grants and loans for up to one year after the first conviction and up to five years after the second.

- The penalty for unlawful distribution of drugs is loss of benefits for five years after the first conviction and for a longer period after the second.
- Under federal law, penalties may be doubled when a person at least 18 years old distributes drugs to persons under age 21 within 1,000 feet of a public or private elementary or secondary school or a public or private college.
- These penalties include a mandatory one year prison term.
- Drug trafficking involves the illegal manufacturing, supplying, transporting, storing and/or distribution of drugs; drug possession involves having drugs for personal consumption while possession of large quantities may be deemed an intent to distribute which is subject to larger penalties.

Persons convicted of drug possession under state or federal laws are ineligible for federal student grants and loans for up to one year after the first conviction and up to five years for the second.

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## *PRESCRIPTION & OVER-THE-COUNTER MEDICATIONS*

Nationally, non-medical use of prescription medication is the second most common category of illicit drug use (second only to marijuana). The four most common categories of medications used non-medically are (in order of magnitude of abuse) opioids (pain killers), benzodiazepines (anti-anxiety medications), amphetamines/stimulants (ADHD medications), and over-the-counter medications (often, cough and cold medications).

Prescription medications are often obtained (shared, stolen, or purchased) from someone with a prescription. Many prescription medications are also illegally "pharmed" on the internet; these medications are potentially counterfeit, adulterated, or contaminated. The effects of prescription and over-the-counter drug abuse vary according to the medication, the dose, the method of consumption, the user's mental and physical characteristics, and other factors. Misuse of any drug can lead to dependence. Some medications, used alone in sufficient doses, or in combination with alcohol, can be lethal.

### *Rise in Opioid-Related Deaths*

Since 1999, the number of overdose deaths involving opioids (including prescription opioids and heroin) quadrupled. (CDC. Wide-ranging online data for epidemiologic research (WONDER). Atlanta, GA: CDC, National Center for Health Statistics; 2016. Available at <http://wonder.cdc.gov>.) From 2000 to 2015 more than half a million people died from drug overdoses. 91 Americans die every day from an opioid overdose. (CDC. Opioid Basics. Available at <https://www.cdc.gov/drugoverdose/epidemic/index.html>.) Deaths from heroin and heroin synthetics and benzodiazepines have also risen annually since 2002. (<https://www.drugabuse.gov/related-topics/trends-statistics/overdose-death-rates>).

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## *POSSESSION OF MARIJUANA*

While marijuana was legalized in Massachusetts for persons over 21, it is still **against Federal law** to possess marijuana on college campuses regardless of state laws. Manufacturing, distributing, and other related crimes involving marijuana remain illegal. Students in possession of marijuana or paraphernalia face, minimally, referral to the Deans.

### *Statement on Medical Marijuana*

Hampshire College receives federal funding through Title IV in the form of student financial aid (grants, loans, and work-study programs) and through federal research grants. As a condition of accepting this money, Hampshire is required to certify that it complies with the Drug-Free Schools and Communities Act (DFSCA) (20 U.S.C. 1011i; 34 C.F.R. part 86). The federal government

regulates drugs through the Controlled Substances Act (CSA), which does not recognize the difference between medical and recreational use of marijuana. Thus, to comply with the Federal Drug Free School and Communities Act and avoid losing federal funding, Hampshire College prohibits all marijuana use, including medical marijuana, and students may be subject to disciplinary action for its use.

Therefore, marijuana prescribed for medical purposes is prohibited at Hampshire College even though Massachusetts state law permits its use. Students with medical marijuana prescriptions may request a waiver of the campus residency requirement by contacting Accessibility Resources and Services.

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## DRUG & ALCOHOL TREATMENT PROGRAMS

Health & Counseling Services and the College's Health Services are available to assist students with substance-related problems; in emergency situations, faculty and staff may also request their services.

Services offered include:

- ✧ Alcohol and substance abuse assessments
- ✧ Anonymous self-assessments
- ✧ Counseling
- ✧ BASICS harm reduction program
- ✧ Our Shared Wounds, a booklet of narratives from Hampshire community members on drug and alcohol use

### Drug and Alcohol Resources

- Health & Counseling Services | 5458 (for students)
- Wellness Center | 5743 (for students)
- Employee Assistance Program (EAP) (for employees) | 800-828-6025
- Alcoholics Anonymous | 413-532-2111
- Al-Anon and Ala-Teen | 413-253-5261
- Narcotics Anonymous | 866-624-3578
- Hampshire HOPE | 413-587-1219
- Massachusetts Substance Abuse Hotline | 800-327-5050
- National Alcohol and Drug Abuse 24-Hour Helpline | 800-252-6465
- Cocaine Abuse 24-Hour Hotline | 800-222-0828

For emergencies on campus, call Campus Police at **x1911** or via cell phone at **(413) 559-5424**.

## FIREARMS AND OTHER WEAPONS ON CAMPUS

In accordance with Massachusetts General Law Chapter 269 Section 10J, weapons are prohibited on the grounds of the College with the exception of law enforcement officers duly authorized to carry such weapons. No person shall be permitted to carry firearms or other weapons, concealed or not concealed, with or without a concealed weapon permit, while on properties owned or controlled by the College.

For the purposes of this policy, the term “weapons” includes, but is not limited to, firearms of any nature or description, including shotguns, rifles, pistols, and revolvers, paint ball guns, or BB/pellet guns; firearm replicas; ammunition; martial arts-type weapons; explosives (including fireworks); bows, crossbows, arrows; slingshots; switchblade knives, double-edged knives, hunting (pocket-style) knives with a blade length of three inches or greater; swords; pointed metal darts; (unauthorized) pepper spray; or any other destructive device or instrument that may be used to do bodily injury or damage to property. In addition, items that may be used as weapons, whether or not they fit the definition above, will be subject to seizure.

Because these weapons may pose a clear risk to persons and property on the campus, violation of the regulations may result in administrative action from the college and/or prosecution under the appropriate state or federal laws.

## PERSONAL SAFETY

Make it a habit to be cautious around campus, in buildings, and in transit. Campus Police hopes you will make the following steps part of your daily routine.

### Around Campus

- **Walk safely.** Don't walk alone at night, especially in dark, vacant areas. Avoid shortcuts. If you must walk alone, proceed directly to your destination on well-lit paths. Look alert; be aware of your surroundings. Leave buildings on the hour or the half-hour, when most people are walking. Ask a friend to walk with you.
- **Help others walk safely.** Team up with another person walking alone at night.
- **Use safety escorts.** Students may request a safety escort after dark by calling Campus Police. This service is only available at night and is not available for groups. Campus emergency response always has a higher priority so Campus Police advises the student to wait in his/her car or inside the building until the officer enters the lot. If in a vehicle in a parking lot, keep your lights on and flash your vehicle lights when the cruiser enters the lot. Campus Police provides this service on a first come, first served basis as staffing allows.

If you are concerned about your walking safety on campus at night, walk with a friend, let your hall or mod mates know that you are leaving a building and will be arriving in a specific time frame, or walk on the hour or half hour when there is more campus pedestrian traffic. Campus Police encourages members of the community to report suspicious behavior by calling x5424 or x1911. (Dial 413-559-5424 from a cell phone when on campus.) Officers are on patrol 24 hours a day and will respond quickly to emergencies.

- **Don't jog alone** in remote areas during the day and never jog alone at night.
- **Carry a whistle** or other device that makes noise and keep it ready to use.
- **Don't hitchhike.** Ask a friend for a ride or use the Five College bus.
- **Report suspicious behavior** or circumstances to Campus Police.
- **Don't sunbathe in remote areas.**
- **Carry your cell phone.** Pre-program the Campus Police number (413-559-5424).

### In transit

- Watch for strangers around your car before entering your vehicle. Look around the vehicle from the ground up & front to back. Use caution when your vehicle is parked next to other cars or vans. Look inside your car before getting in.
- Play it safe on the road. While driving, keep doors locked and windows up. Do not pick up hitchhikers.
- If another driver harasses you, blow your horn continuously to attract attention & discourage the other driver. Drive to a police station or Campus Police if necessary.

- Park safely in a lighted area. Call Campus Police or use a blue-light phone to request a safety escort from the lot to your residence hall.
- Wear your seatbelt. Massachusetts has enacted a mandatory seatbelt law; failure to use your seatbelt could result in a fine of \$25.

Keep your vehicle in good running condition, with a full gas tank and good tires.

### **Protection of property**

- Take steps to protect your belongings. Most theft on campus is opportunistic—someone sees an unlocked room or vehicle and takes advantage.

A surprising amount of theft takes place while the victim is on the floor but has just stepped out for a minute.

### **In an emergency**

- Rehearse in your mind how you would react in an emergency so your response will be automatic if something should happen.
- Consider enrolling in a self-defense class offered by the outdoor programs and recreational athletics (in conjunction with the Campus Police Department) or attending one of the lunchtime self-defense classes, which are free to faculty, staff, and students.

### **If you are followed...**

- Remain calm.
- Cross the street.
- Change direction.
- Walk in lighted areas.
- Enter an open, lighted building.
- Use a blue-light phone or dial x5555 on campus, 911 when off campus. Cell phone users should dial 413-559-5424.
- Go to the Campus Police office or the police station. If you do not know where a police station is located, go to a busy area, fire station, or hospital. Find a place where you can get help.
- Above all, do not go home (giving away your address).

### **If you are attacked...**

- Don't be passive; most attackers expect a passive victim.
- Do or say whatever you can to throw the assailant off guard—be creative.
- Attract attention—scream, break a window.
- Do whatever you can to break the hold, then run and scream.
- Use a blue-light phone or dial **1911** or **5555** on campus; dial 413-559-5424 from a cell phone.

CRIME PREVENTION TIPS		
	Don't	Do
In Buildings	<ul style="list-style-type: none"> <li>• Leave valuables visible in a room</li> <li>• Leave valuables unattended in an unlocked area, even briefly</li> <li>• Let strangers into a building</li> <li>• Prop open outside doors to any building</li> </ul>	<ul style="list-style-type: none"> <li>• Lock your door</li> <li>• Keep your keys and OneCard on you at all times</li> <li>• If your OneCard is stolen, report it immediately</li> <li>• Participate in Operation Identification; we can help you engrave electronics and valuables. Call us for more information</li> <li>• Report strangers in your residence hall</li> <li>• Keep windows locked, particularly if you are on a ground level or your window opens to a fire escape</li> <li>• Report burned-out lights to Facilities Management (after hours to Campus Police)</li> </ul>
Automobiles	<ul style="list-style-type: none"> <li>• Leave valuables visible in your car – take them with you; if you cannot take them with you, lock them in your trunk</li> <li>• Leave GPS units OR their mounts in your car</li> </ul>	<ul style="list-style-type: none"> <li>• Register your car with Campus Police</li> <li>• Park in well-lit areas</li> <li>• Remove keys and <b>lock doors</b></li> <li>• Install anti-theft devices (locks, alarms) for ignition, steering wheel, and brake and clutch pedals.</li> <li>• Record serial numbers of mp3 players, cellular phones, GPS devices, satellite radios, and other easily removable accessories. Engrave valuables with your driver's license number. Call Campus Police for assistance.</li> <li>• Report suspicious activity to Campus Police, including people looking into cars.</li> </ul>
Bicycles	<ul style="list-style-type: none"> <li>• Leave your bicycle unlocked.</li> <li>• Use a hardened steel lock; lock the entire bicycle to a bike rack, including quick-release wheels</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Register</b> your bicycle with Campus Police; affix the issued decal to your bike. Unregistered bicycles are periodically removed from campus.</li> <li>• Notify Campus Police immediately if your bicycle is stolen</li> </ul>

## ACTIVE THREAT PROCEDURES

### **RUN-----HIDE-----FIGHT**

Quickly determine the most reasonable way to protect your own safety. Students and visitors are likely to follow the lead of faculty and staff during an active shooter situation. Always flee first and hide second when possible.

#### 1. Evacuate

- a. Have an escape route and plan in mind
- b. Keep your hands in plain sight

#### 2. Hide out

- a. Hide in an area out of the shooter's view
- b. Lock the doors-most classrooms and lecture halls can be locked. All offices and residence hall rooms can be locked.
- c. Blockade doors

#### 3. Fight back

- a. As a last resort and only when your life is in danger
- b. Attempt to incapacitate the shooter

Call law enforcement when you safely may do so.

**Campus Police** | 413-559-5424 or X 1911

**Amherst Police** | 413-259-3000 or 9-1-1 from a cell phone

**Massachusetts State Police** | 413-585-3000 or 9-1-1

What to do when law enforcement arrives:

- Remain calm and follow officers' instructions
- Immediately raise hands and spread fingers wide
- Keep hands visible at all times
- Avoid making sudden movements towards police or grabbing them
- Do not stop officers to ask for assistance or directions in evacuating; just proceed to the area from which officers are entering
- If possible provide law enforcement with the location, number, and description of the shooters

*Make Campus Police a speed dial function on your cell phone (413)559-5424.*

### ***Seconds count in emergencies***

## MISSING PERSON POLICIES AND PROCEDURES

The following policies regarding Missing Persons are being provided according to requirements of the 2008 Amendments to the Higher Education Opportunity Act.

### REPORTING PERSONS MISSING

Any person (student, staff or faculty) believed to be missing from the campus unexpectedly shall be immediately reported to Campus Police.

- It is the policy of the Hampshire College that the Campus Police Department will investigate any report of a missing that is filed by someone with knowledge of that student being missing or otherwise not where s/he is expected to be.
- This report may be filed by a parent/guardian or other family member of the person, by a roommate, a student services or Residence Life staff member (including student staff), Health Services staff member, faculty member, employment supervisor, or anyone else with information that indicates the person is missing.
- Campus Police will conduct an initial investigation to determine if the person appears to be missing, or has simply changed her or his routine unexpectedly, and whether or not there is reason to believe the person is endangered.

Campus Police Officers will check student's login records, class schedules, interview fellow students and faculty, and use other methods to determine the status of a missing person. From this initial investigation, the scope will expand to make attempts to determine the location of the person reported missing to assure they are safe.

### MISSING PERSON CONTACT

Each residential student at Hampshire College can identify, through The Hub, a person that the College can contact in the event that the student is reported missing. This person would be contacted within 24 hours of a missing person report being filed with Campus Police.

Should Campus Police not be able to locate a student reported missing, Campus Police would then notify your designated 'missing person' emergency contact within twenty-four (24) hours of the report.

This person would be contacted within 24 hours of a missing person report being filed with Campus Police.

**Confidentiality:** This contact information is confidential and is shared only with College administrators who would have responsibility for making connections with emergency contacts in the event of a determined emergency (such as student services staff, Campus Police staff, etc.)

### NOTIFICATIONS

Should Campus Police not be able to locate a person reported missing within twenty-four (24) hours of the report, Campus Police would then notify your designated 'missing person' emergency contact.

- In the event that no separate emergency contact is identified, a parent or guardian as listed in college records will be contacted.
- Students should be sure that this contact knows how to reach them in the case of an emergency, and have a general idea of their general daily routine and any travel plans.
- This person should be someone you trust to aid officers in determining your whereabouts, or verifying that further investigation and/or entry into national missing person databases is warranted.

Campus Police will also notify local law enforcement agencies within this 24 hour window, starting with the town sharing jurisdiction with the college, as well as any other agencies where the missing student may be.

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#### STUDENTS UNDER AGE OF 18 & NOT EMANCIPATED:

The College must notify a custodial parent or guardian no later than 24 hours after the time the student is determined to be missing, in addition to notifying any missing person contact provided by that student.

For any situation in which a missing person is believed to be endangered, this notification will be made as early as possible while officers are continuing to investigate.

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#### STUDENTS UNDER AGE OF 21:

Suzanne's Law requires that student to be entered into the national missing person database as soon as it is determined that student is missing.

Should a student be determined to be missing, within 24 hours of that determination, Campus Police will:

- Notify the Dean of Students
- Reconfirm with the student's emergency contact and/or parent or guardian to update them on information known at that time, efforts made to locate the person, and to get further information that may lead to the location of the missing person. (In the case of a student under 18, the parent or guardian must be contacted regardless of who is listed as the student's emergency contact.)
- Notify Amherst Police as well as any the police in any other jurisdiction where the missing person may have gone.
- When circumstances indicate it would be beneficial, the State Police can activate and AMBER Alert.

## FIRES AND FIRE PREVENTION

Fire prevention is the responsibility of all members of the Hampshire College community. College residence halls are particularly susceptible to fires, and students residing in the halls must carefully adhere to fire safety regulations.

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### STUDENT FIRE SAFETY EDUCATION PROGRAM

Hampshire College's fire safety education program is multi-faceted. Environmental Health & Safety staff members provide training to Resident Advisors (RAs) who then train the students residing in their areas annually. Additional information and reminders on fire safety zones and evacuation procedures is provided to all students prior to the start of fire drills for the year. New employees receive fire safety information and it is also available on the college's website. The college provides additional fire safety education to students who violate campus fire safety policies. College staff also conduct regular fire safety inspections in the halls.

Extensive fire safety information is also available on the Environmental Health & Safety website at:

<http://www.hampshire.edu/envhealthsafety/6042.htm>.

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### FIRE EVACUATION POLICY

Every person in the building, including staff, faculty, students, visitors, and contractors where the fire alarm is sounding, regardless of known or suspected cause, is required to evacuate immediately. Persons evacuating must leave via the closest exit. Any equipment that could cause a fire should be turned off before exiting if it can be done quickly and safely. All occupants will assemble at a safe distance from the building and await further instructions from fire and/or Campus Police personnel. No occupant will re-enter a building until clearance is given by fire and/or Campus Police personnel.

**College Policy on Reporting of Fires:** Fire alarms for College-owned buildings ring directly to Central Dispatch. However, any member of the community who becomes aware of any active or past fire must notify Campus Police immediately.

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### FIRE SAFETY POLICIES

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#### PROHIBITED ITEMS IN RESIDENCE HALLS:

Items prohibited in the residence halls include, but are not limited to:

- Candles and incense are not permitted anywhere inside residential buildings.
- Smoking, including e-cigarettes, is prohibited in all campus buildings and within 25 feet of all buildings. Outdoor smoking is restricted to designated smoking areas (DSAs).
- Space heaters are not permitted in student rooms, with the exception of those provided by the College in response to a problem with the heating system.
- Use of non-College alarm systems or other than College-issued locks, including locks on storage closets
- The storage and use of flammable liquids (e.g. gasoline, paint thinner, spray paint, air brushes) and flammable gases (e.g. propane, acetylene), fireworks or other materials that pose an increased fire hazard
- Halogen lamps are a significant fire safety hazard if there are combustibles too close to the bulb. The use of these lamps is prohibited. Lamps with plastic shades must use compact fluorescent or 40 watt or less bulbs.

- Extension cords are not permitted unless UL-approved with surge protectors. Electrical cords should be kept at least 12 inches (30.48 cm) away from heaters.

Toaster ovens may be used only in kitchens or lounges. Microwaves and hot pots are permitted in student rooms. Appliances must be kept clean at all times and unplugged when not in use.

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## COMMUNITY RESPONSIBILITIES

Additionally, all members of the community are required to:

- Participate in all fire drills and promptly leave a building when the fire alarm sounds. Follow any instructions of Campus Police or fire officials during a drill or an actual alarm.
- Report any condition that creates a fire hazard (trash in the corridors or stairwells, missing fire extinguishers, blocked floor exits or stairwells, etc.) to Campus Police. Campus Police will communicate with the appropriate offices.
- Know where the fire extinguishers are located. Learn how to operate them. If you need training, contact Environmental Health and Safety.
- Know the location of the fire alarms and how to activate them.
- Know where the nearest exits are and be prepared to use an alternative exit, if necessary. Plan how you would escape through each of these exits in case of a fire.
- Know the location of the fire stairwells.
- Never use an elevator to evacuate a building.
- If you become trapped, dial 5555 from a campus phone or (413) 559-5424 from a cell phone and alert the dispatcher to your location.

## WHAT SHOULD I DO IF I DISCOVER A FIRE?

Any person who discovers a fire, smoke, or an unusual amount of heat should do the following:

- Pull the nearest fire alarm.
- Exit the building immediately; notify those in the immediate area of the danger.
- Assist in removing any person needing assistance from the immediate area and to the stairwells to wait for fire department personnel (or to the outside if that can be done safely). However, never place yourself in danger.
- Assemble outside your building at the predetermined location.
- Follow the instructions given by the Campus Police Officers and the Amherst Fire Department personnel

All fires must be reported to Campus Police.

### Tampering with Fire Safety Equipment

Fire extinguishers and fire detection and alarm systems are in place to protect the community. Tampering with fire safety devices is a serious violation of the Norms for Community Living and Policies and is prohibited. This includes, but is not limited to:

- disabling smoke detectors
- covering smoke detectors with any materials whatsoever
- activating an alarm when no hazard is present
- hanging items from sprinkler pipes
- discharging, tampering with or moving fire extinguishers

Tampering with fire safety equipment will result in the following disciplinary action:

- *First offense*: 20 hours community service (includes time devoted to educational project designed to inform community of pertinent fire safety issues); reflection paper; deferred probation.
- *Second offense*: probation and permanent removal from campus housing.

When the responsible individuals cannot be identified, all residents of that particular area may be assessed.

## CAMPUS FIRE STATISTICS

### RESIDENTIAL FIRES BY LOCATION 2015 - 2017

<i>Date</i>	<i>Time</i>	<i>Location</i>	<i>Cause</i>	<i># Fatalities</i>	<i># Injuries</i>	<i>Property Damage</i>
<b>2017</b>	No Residential Fires Reported					
<b>02/03/2016</b>	3:53 pm	Prescott	Backpack placed on stove	0	0	Less than \$100
<b>12/13/2016</b>	1:15 pm	Enfield	Improper disposal of smoking materials	0	0	Less than \$100
<b>10/31/2015</b>	12:56 pm	Prescott	Jeans set on fire	0	0	Less than \$100

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## FIRE AND EVACUATION DRILL STATISTICS

Evacuation drills are conducted two times per year in residential buildings and periodically in other buildings. The purpose of these evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. Evacuation drills are used as a way to educate and train occupants on fire-safety issues specific to their building.

	2017	2016	2015
<b>Residence Hall Evacuation Drills Conducted</b>	27	29	32

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## CAMPUS FIRE LOGS

A log of all fires and fire alarms in which there was a physical cause (i.e., smoke, heat, etc., rather than a faulty detector, or system malfunction) are listed in the Campus Police online **Daily Crime & Fire Logs** within two business days of occurrence. Visit the Campus Police website at <https://www.hampshire.edu/campus-police/campus-police> for more information.

- When changes in the cause or information about a campus fire become known to Campus Police, any updates will be made to the log within two business days of the status change.
- The information listed on the crime log will not jeopardize the confidentiality of victims/survivors.

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## STUDENT RESIDENCE HALL FIRE SAFETY AND SPRINKLER SYSTEMS

Below is a listing of residence hall fire safety systems. There are no immediate plans for system upgrades, however systems are constantly being reviewed.

Building	Monitored Fire Alarms	CO Detectors	Sprinklers
<b>Dakin</b>	X	X	X
<b>Enfield</b>	X	X	X
<b>Greenwich</b>	X	X	X
<b>Merrill</b>	X	X	X
<b>Prescott</b>	X	X	X

## EMERGENCY CALL BOX PHONES

Hampshire College has 13 emergency call boxes. Their use is not restricted to emergencies; use them to report incidents or suspicious people, or to ask for assistance or an escort. Press the **Help button** on any emergency phone and the phone will signal Campus Police automatically and direct someone to you.



## IMPORTANT TELEPHONE NUMBERS

<i><b>Resource</b></i>	<i><b>Phone Number</b></i>
Campus Police <b>Emergency</b> Line	413-559-5555
Campus Police Non-Emergency Line	413-559-5424
Health Services	413-559-5458
Anonymous Reporting Line	413-559-5756
Dean of Students Office	413-559-5412
University Health Services	413-577-5000

Individuals with questions, comments, or concerns regarding the Campus Police Department at Hampshire College are encouraged to contact the Chief of the Campus Police Department.

## RESOURCE LIST FOR SEXUAL ASSAULT/HARASSMENT

<i><b>On Campus:</b></i>	<i><b>Off Campus:</b></i>
Primary Resources:	
Campus Police Department 413-559-5424 <b>Emergency 413-559-5555</b>	Center for Women & Community 413-545-0800 UMASS/Amherst 24-Hour Crisis Line
Hampshire College Health & Counseling Services 413-559-5458	Passages Northampton 413-586-5066 24-hour Crisis Line
Office of Spiritual Life 413-559-5282	Amherst Police Department Rape Hotline 911 from cell phone (from a non-campus or cell phone)
Title IX Deputy for complaints of student offenses 413-559-5412	Northwestern District Attorney's Office 413-586-5780 Victim/Witness Assistance
Title IX Deputy for complaints of employee offenses 413-559-5605	New England Learning Center for Women in Transition 24-Hours 413-772-0806
Title IX Coordinator 413-559-6253 (oversees campus-wide adherence to Title IX concerns)	Toll Free 24-Hour Hotline 888-249-0806
Dean of Students Office 413-559-5412 Merrill Life Student Center	Men's Resource Center for Change 413-253-9887
	University Health Services 413-577-5000

## DEFINITIONS OF CLERY ACT CRIMES

To aid in the understanding of the crimes reported in this document, we are providing the following definitions. These are based on Massachusetts law unless otherwise noted.

### **Aggravated Assault**

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

### **Arson**

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

### **Burglary**

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

### **Consent**

In Massachusetts, it is illegal to have sex under any circumstances with someone who is incapable of giving consent due to incapacity or impairment; incapacity or impairment may be caused by intoxication or drugs, or because a victim is underage, mentally impaired, unconscious, or asleep. For purposes of this policy, consent is an explicitly communicated, reversible, mutual agreement to which all parties are capable of making a decision.

- Consent requires a "Yes" in response to requests for sexual acts.
- Silence is not consent.
- "No" is not consent.
- By law, a person is incapable of consent if he or she is unconscious, asleep or younger than 16 years old.
- A person may also be incapable of consent if he or she is intoxicated (i.e. drunk, high) or mentally incompetent.
- Submission is not necessarily consent. There is a fine line between persuasion and coercion. For example, having sex with someone who reasonably believes that there is a threat of force meets the legal definition of rape in Massachusetts.

### **Destruction/Damage/Vandalism of Property**

To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

### **Dating Violence (definition from the federal Violence Against Women Act, amended 2013; there is not a specific crime defined as "dating violence" in Massachusetts)**

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- For the purpose of this definition, dating violence –
  - Includes, but is not limited to, sexual or physical abuse or the threat of such abuse
  - Does not include acts covered under the definition of domestic violence

### **Domestic Violence (from 2013 VAWA Act; the definition under Massachusetts law varies slightly)**

A felony or misdemeanor crime of violence committed—

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

#### **Forcible Fondling**

The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

#### **Hate Crimes**

Hate crimes must also be reported by category of prejudice based on the following: Race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability. For the purpose of reporting the statistics with respect to the crime statistics that must be compiled in accordance under the categories of: On campus, on non-campus building or property; public property; and dorms/residences. Reportable hate crimes include crimes in the Clery crime categories with a bias component, as well as bias-involved larcenies (thefts), simple assault, intimidation, vandalism, and any other crime involving personal injury.

#### **Incest**

Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

#### **Intimidation**

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack. Counted only in bias statistics.

#### **Larceny (theft)**

The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. Counted only in bias statistics.

#### **Motor Vehicle Theft**

The theft or attempted theft of a motor vehicle.

#### **Murder and Non-Negligent Manslaughter**

The willful (non-negligent) killing of one human being by another.

#### **Negligent Manslaughter**

The killing of another person through gross negligence.

#### **Rape (UCR definition)**

The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

#### **Robbery**

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

### **Sex Offenses-Forcible**

Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent. Includes Rape & Forcible Fondling defined in this section.

### **Sex Offenses-Non-forcible**

Unlawful, non-forcible sexual intercourse. Includes Incest & Statutory Rape defined in this section.

### **Simple Assault**

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

### **Stalking**

- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to –
  - Fear for the person's safety or the safety of others, or
  - Suffer substantial emotional distress
- For the purpose of this definition –
  - Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly or indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property
  - Substantial emotional distress means significant suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling
  - Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim
- One incident of stalking is recorded for each year in which a course of conduct involving the same perpetrator and victim, and is recorded at the first location of the incident series

### **Statutory Rape**

Non-forcible sexual intercourse with a person who is under the statutory age of consent (16 in Massachusetts).

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## **DEFINITIONS OF WEAPON LAW, DRUG ABUSE, & LIQUOR LAW VIOLATIONS**

### ***(Only Arrests & Referrals are Reportable)***

The law also requires that colleges and universities provide statistics for the following categories of arrest or referrals for campus disciplinary action (if an arrest was not made): Liquor law violation, drug law violation, and illegal weapons possession.

#### ***Weapons Law Violations***

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

#### ***Drug Abuse Violations***

The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use, including:

***Drug/Narcotic Violations***—the unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance.

***Drug Equipment Violations***—the unlawful manufacture, sale, purchase, possession, or transportation of equipment or devices utilized in preparing and/or using drugs or narcotics.

### ***Liquor Law Violations***

The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

### ***Hate Crimes***

Hate crimes must also be reported by category of prejudice based on the following: Race, gender, religion, sexual orientation, ethnicity or disability. For the purpose of reporting the statistics with respect to the crime statistics that must be compiled in accordance under the categories of: On campus, non-campus building or property; Public Property; and Dorms/residential. Reportable hate crimes include crimes in the above categories with a bias component, as well as bias-involved larcenies (thefts), simple assault, intimidation, vandalism, and any other crime involving personal injury.

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## **FIRE DEFINITIONS**

These definitions come from the Department of Education Handbook for Campus Safety and Security.

***Cause of fire:*** The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

***Fire:*** Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

***Fire drill:*** A supervised practice of a mandatory evacuation of a building for a fire.

***Fire-related injury:*** Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause, while involved in fire control, attempting rescue, or escaping from the dangers of a fire. The term “person” may include students, faculty, staff, visitors, firefighters, or any other individuals.

***Fire-related death:*** Any instance in which a person (1) is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or (2) dies within one year of injuries sustained as a result of a fire.

***Fire-safety system:*** Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems; fire detection devices; stand-alone smoke alarms; devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.

***Value of property damage:*** The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

# Appendix A: Resource Guide and Procedures for Reports Against Hampshire College Students

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# I. Introduction

Hampshire College (the “College”) is committed to maintaining a safe and non-discriminatory learning, living, and working environment for all members of the College community. The College prohibits Sexual Assault, Relationship Violence, Stalking, Sexual or Gender-Based Harassment, Complicity, and Retaliation (“Sexual Misconduct Violations”), as set forth in the Sexual Misconduct, Relationship Violence, and Stalking Policy (the “Policy”). This Appendix provides resources for counseling, support, and reporting (“Resources”) and sets forth the College’s procedures for reporting, investigating, and resolving violations of the Policy where an incident involving a Student as a Respondent is reported to Hampshire College (“Procedures”). These Resources and Procedures should be read in the context of the Policy and capitalized terms used in this document are defined in the Policy.

## II. College and Community Resources

### A. Emergency Medical, Law Enforcement, and Crisis-Response Resources

- Medical Assistance: An individual who experiences sexual assault or any other form of interpersonal violence is strongly encouraged to seek immediate medical attention at one of these locations:
  - Cooley Dickinson Hospital, 30 Locust Street, Northampton, MA 01061 (413) 582-2000
  - Baystate Medical Center, 759 Chestnut Street, Springfield, MA 01199 (413) 794-0000
  - University Health Services at the University of Massachusetts, 150 Infirmary Way, Amherst, MA (413) 577-5000 (Visitors not affiliated with UMass will be seen on a fee for service basis only)

Each of these facilities has access to Sexual Assault Nurse Examiners (also known as “SANE Nurse”). SANE Nurses can assess injuries related to physical trauma; evaluate for sexually-transmitted infections and possible pregnancy; provide medical care (including medications to prevent infections and pregnancy); and can, within the first 72 hours after a sexual assault, administer a “forensic sexual assault examination.” During the forensic exam, the SANE Nurse documents and collects evidence of sexual contact and/or physical trauma (including injuries to the body and genitals), trace evidence, biological fluids, and identifiable DNA. When there is reason to believe that an assault may have been facilitated by the use of drugs or alcohol, the forensic exam may also include the collection of urine and blood samples for toxicology testing. A patient who requests a SANE exam is not required to report the incident to law enforcement or the College in order to receive medical attention or a forensic exam. Patients may have a support person of their choosing present throughout the forensic exam. Students may access follow-up care at Hampshire College Health Services, or through any appropriate health care provider outside of the College. Employees may access follow-up care through any appropriate health care provider of their choice.

- For medical assistance on campus, contact:
  - Hampshire College Health Services (413) 559-5458. Clinic hours are 8:30 a.m. to 5:00 p.m. weekdays. When Health Services is closed during the academic year (nights, weekends, and during vacation periods), students with emergencies may be seen at one of the locations listed above.
  - The College also has a student-run Emergency Medical Service, staffed by student EMTs, that provides 24-hour emergency medical services to the Hampshire College community, and can direct students to any of the locations above. (413) 559-5555.

- **Law Enforcement:** All Hampshire community members have the right to report Sexual Misconduct Violations that may constitute a crime to local law enforcement (“Police”). Police have unique legal authority to seek and execute search warrants, to collect forensic evidence that may have been left at the scene or at other relevant locations, to obtain cell phone and electronic records, and to make an arrest when supported by probable cause to believe a crime has been committed. Police are also able to provide assistance in seeking Emergency Protective Orders (see below).
  - Hampshire College Campus Police can be reached by dialing “5555” (for emergencies) or (413) 559-5424 (for non-emergencies). Students seeking medical attention at Hampshire College Health Services can ask that Police be called on their behalf.
  - Town of Amherst Police can be reached by dialing “911” (for emergencies) or (413) 259-3000 (for non-emergencies).
  
- **Crisis Resources (Support and Counseling):** All Hampshire community members are urged to seek immediate emotional support after any Sexual Misconduct Violation. There are a number of resources and “hotlines” for crisis counseling, both at the College and in the local community. Some of these resources are able to maintain legally-protected confidentiality (see Section VI of the Policy). Crisis counselors can provide trauma-informed support and offer information about reporting options.
  - **Confidential College Crisis Resources**
    - These individuals may provide confidential counseling and support without disclosing the reported incident to the Title IX Coordinator or other employee of the College:
      - Hampshire College Health and Counseling Services (413) 559-5458
      - Hampshire College Spiritual Life Professional Staff (413) 559-5282
      - University of Massachusetts Health Services (413) 577-5000 (students may receive free transportation provided by Hampshire College Campus Police)
  - **Confidential Community and National Crisis Resources**
    - These individuals may provide confidential counseling and support without disclosing the reported incident to the Title IX Coordinator or other employee of the College:
      - Cooley Dickinson Hospital (413) 582-2000 (students may receive free transportation provided by Hampshire College Campus Police)
      - Holyoke Medical Center (413) 534-2500
      - Baystate Medical Center (413) 794-0000
      - Center for Women and Community at UMass 24 hour hotline (413) 545-0800
      - Safe Passage Domestic Violence Program 24 hour hotline (413) 586-5066 or (888) 345-5282 (toll-free).
      - Rape and Incest National Network (RAINN) Hotline (800) 656-4673 <https://rainn.org/>
    - Students and Employees may also visit their own health and counseling providers.
  - **Private College Support Resources:** These individuals will disclose the reported incident to the Title IX Coordinator, but may be able to maintain the anonymity of the person seeking assistance:
    - Director of Survivor Supports, Wellness Center, (413) 559-4510
    - Ashley Netanel, Director of Wellness Promotion, Wellness Center, (413) 559-5743
    - Emily Rimmer, Director for Queer/Women Services, Center for Feminisms (413) 559-5320
    - Peer Chaplains, [peerchaplains@hampshire.edu](mailto:peerchaplains@hampshire.edu) <sup>[9]</sup>
  - **Additional College Support Resources:** These individuals will disclose the reported incident and all available details of the report to the Title IX Coordinator, but will maintain the privacy of any resources provided:
    - Office of the Dean of Students, Merrill Student Life Center, Second Floor, (413) 559-5412
    - Resident Advisors <sup>[10]</sup>, paraprofessional residence life staff who provide programming.

## B. Legal Resources

There are several resources that may help Students and Employees explore and understand their legal rights and options – both criminal and civil – following a Sexual Misconduct Violation.

- Campus Police Victim/Witness Assistance Center, located at [https://www.mtholyoke.edu/campuspolice/victim\\_assistance](https://www.mtholyoke.edu/campuspolice/victim_assistance) <sup>[11]</sup>
- Mass Legal Services <http://www.masslegalservices.org/FindLegalAid> <sup>[12]</sup>
- Mass Legal Help <http://www.masslegalhelp.org/domestic-violence> <sup>[13]</sup>
- Jane Doe Inc. [http://www.janedoe.org/find\\_help/mass\\_legal\\_help](http://www.janedoe.org/find_help/mass_legal_help) <sup>[14]</sup>
- Northwestern District Attorney's Office <http://northwesternda.org/victim-witness-assistance-unit> <sup>[15]</sup>

The Northwestern District Attorney's Office Domestic Violence and Sexual Assault Unit works closely with police departments, courts and social service agencies to address the serious problem of domestic violence and sexual assault through prosecution of the offenders and the development of strategies for prevention and intervention for the victims. If you are the victim of abuse and you notify the District Attorney's office, they may file charges against the Respondent. You will be assigned a victim witness advocate to keep you informed of court proceedings. You have the right to be notified of the proceedings and to submit a victim impact statement to the court at sentencing.

Complainants and Respondents may consult with an attorney or use one as a supporter during the College Resolution process. The College does not provide or arrange for attorneys.

## C. Interim Administrative Actions, Remedial and Protective Measures

The Title IX Coordinators and deputy coordinators and the dean of students office staff can provide students with information, support, and assistance and can arrange for a broad range of remedial and protective measures. As outlined in the Policy, interim administrative actions <sup>[16]</sup>, remedial and protective measures, which may be temporary or permanent, may include no contact directives, residence modifications, academic arrangements and support, work schedule or work location modifications, and other reasonable and appropriate measures. Complainants are entitled to receive information, assistance, and a broad range of support and remedial measures regardless of whether they choose to pursue criminal and/or College disciplinary resolution of a sexual misconduct violation. For more information about such measures, please see the Remedial and Protective Measures section of the Sexual Misconduct, Relationship Violence, and Stalking Policy or contact the College's Title IX Coordinator.

# III. Reporting Sexual Misconduct Violations

The College encourages anyone who experiences or becomes aware of a Sexual Misconduct Violation to make an immediate report. There are multiple channels for reporting Sexual Misconduct Violations. A Complainant may choose to report a Sexual Misconduct Violation to the College for Resolution under these Procedures, to law enforcement for potential criminal prosecution, to both, or to neither. Complainants may simultaneously pursue criminal and College disciplinary action. The College will support Complainants in understanding and assessing their reporting options.

## A. Reporting to the College

The College strongly encourages anyone who has experienced, has knowledge of, or has witnessed a

Sexual Misconduct Violation to make a report to the College. Under Title IX, once an educational institution has notice of a Sexual Misconduct Violation, it is required to (1) take immediate and appropriate steps to investigate or otherwise determine what occurred; (2) provide interim measures to support a Complainant; and (3) take prompt and effective action to end any Sexual Misconduct Violation that occurred; remedy its effects; and prevent its recurrence.

Making a report to the College does not require participation in any subsequent College proceedings, nor is a report required in order for a Student to receive support or remedial measures. Individuals are encouraged to report Sexual Misconduct Violations by contacting the Title IX Coordinator or the Title IX Deputy Coordinator for Students:

**Dianna Williams, Title IX Coordinator**

[dwilliams@hampshire.edu](mailto:dwilliams@hampshire.edu) <sup>[17]</sup>

(413) 559-5442

Office: Cole Science Center, Room 109

**Charity O'Connor, Title IX Deputy Coordinator for Students**

[coconnor@hampshire.edu](mailto:coconnor@hampshire.edu) <sup>[18]</sup>

(413) 559-6262

Office: Prescott Student Life

All disclosures of Sexual Misconduct Violations to any “Responsible Employee” will be reported, as required by College Policy, to the Title IX Coordinator. This reporting allows the College’s Title IX Coordinator to provide information about resources and procedural options to a Complainant, evaluate any safety risk posed by the reported conduct, track patterns and trends, and initiate appropriate action to end the conduct, prevent its recurrence and address its effects. A Responsible Employee is any College Employee; this includes RAs, TAs, EMTs, and other student employees; who is not a Confidential Employee or Private Employee. Contact Information for Confidential and Private Employees is located in Section II.

Upon receipt of a report of a Sexual Misconduct Violation, the College will conduct an initial assessment and take any immediate action that may be necessary to protect the health and safety of the Complainant and the College community, as described in the Procedures below.

The College also offers access to confidential resources for individuals who are unsure about whether to report a Sexual Misconduct Violation or are seeking counseling or other emotional support in addition to (or without) making a report to the College. Information about confidential resources can be found in Section II of these procedures and Section VI of the Policy.

Although there is no time limit for reporting Sexual Misconduct Violations to the College, the College’s ability to respond may diminish over time, as evidence may erode, memories may fade, and Respondents may no longer be affiliated with the College. If the Respondent is no longer a Student or an Employee, the College will provide reasonably appropriate remedial measures, assist the Complainant in identifying external reporting options, and take other reasonable steps to respond under Title IX.

## **B. Reporting to the Police**

A Complainant has the right to notify Police or decline to notify Police. Anyone may contact the Police directly (see Section II.A.2., above). Alternatively, College community members may seek assistance in notifying Police from the Dean of Students. The Dean of Students office can assist in setting up an initial meeting with Police and can accompany Students to that meeting. Filing a Police report does not obligate an individual to participate in any subsequent criminal proceedings. A Complainant who wishes to pursue

criminal action in addition to, or instead of, making a report under these Procedures should contact law enforcement directly:

- Hampshire College Campus Police can be reached by dialing “5555” (for emergencies) or (413) 559-5424 (for non-emergencies). Students seeking medical attention at Hampshire College Health Services can ask that Police be called on their behalf.
- Town of Amherst Police can be reached by dialing “911” (for emergencies) or (413) 259-3000 (for non-emergencies).

### **C. Preservation of Evidence**

The College recognizes that making the decision to report a Sexual Misconduct Violation often takes time. Nevertheless, pending the decision to report, a Complainant is strongly encouraged to take immediate steps to preserve all evidence that might support a future report of a Sexual Misconduct Violation, a Protective Order, or an investigation by the Police, by the College, or both. Such evidence may include:

- A forensic sexual assault examination (within 72 hours);
- Any clothing, sheets or other materials (items containing bodily fluids should be stored in cardboard boxes or paper bags);
- Electronic exchanges (e.g., text messages, emails, and Facebook, Instagram, Snapchat or other social media posts, to the extent that they can be captured or preserved);
- Photographs (including photographs stored on smartphones and other devices); and
- Voice-mail messages and other physical, documentary and/or electronic data that might be helpful or relevant in an investigation.

Electronic and photographic evidence may be lost through the upgrade or replacement of equipment (including smartphones), software and/or accounts or may simply be lost to the passage of time or damage to devices.

### **D. Seeking a Protective Order**

Where a Sexual Misconduct Violation is reported to the Police, it may be possible to obtain a court-ordered Protective Order <sup>[19]</sup>. These Protective Orders <sup>[19]</sup> may be issued if the judge or magistrate believes that there is an immediate threat to health or safety.

“Protective Orders <sup>[19]</sup>” are separate and distinct from “No-Contact Directives” (described in Section VII.A. of the Policy). Protective Orders may be obtained only from a court of law and are enforceable anywhere in the United States; their violation may result in criminal charges.

In contrast, No-Contact Directives may be obtained from the Title IX Coordinator and are enforceable through the College. The Title IX Coordinator or Deputy Coordinators can explain the process for seeking a Protective Order and can escort a Complainant to the appropriate office in order to initiate a petition seeking a Protective Order.

## **IV. Initial Response and Title IX Assessment**

When a Complainant or witness reports a Sexual Misconduct Violation, the College will take immediate and appropriate steps to investigate or otherwise determine what happened and work to resolve the matter promptly and equitably. The first step in this process is called an initial assessment.

### **A. Initial Assessment**

Upon receipt of a report, the Title IX Coordinator or Deputy Coordinator will conduct an initial assessment. As part of the initial assessment, the Title IX Coordinator or Deputy Coordinator will:

- Assess the Complainant's safety and well-being and offer the College's immediate support and assistance;
- Provide the Complainant with written information about on-campus and off-campus resources and the range of appropriate and available interim measures based on the status of the Complainant;
- Inform the Complainant of the right to seek medical treatment, and explain the importance of obtaining and preserving forensic and other evidence;
- Inform the Complainant of the right to contact law enforcement, decline to contact law enforcement, and/or seek a protective order;
- Inform the Complainant of the right to seek Alternative Resolution (where available) or Formal Resolution under these Procedures, discuss the Complainant's expressed preference for the manner of resolution and discuss any concerns or barriers to participating in any College investigation and resolution under these Procedures;
- Explain the College's prohibition against Retaliation and that the College will take prompt action in response to any act of Retaliation;
- Assess the nature and circumstances of the report;
- Ascertain the ages of the Complainant and Respondent, if known, and, if either of the parties is a minor (under 18), contact the appropriate child protective services agency; and
- Assess whether the report triggers any Clery Act obligations, including entry of the report in the daily crime log and/or issuance of a timely warning, and take steps to meet those obligations.

Typically, the College will seek to complete an initial assessment within five (5) business days. There may be circumstances, however, where the initial assessment takes longer based on the availability of the Complainant or other necessary information, a Complainant's request to maintain privacy or not seek disciplinary action, or other factors outside of the College's control. The College understands that a Complainant may engage in delayed decision-making, which may impact the timing of the conclusion of the initial assessment.

## **B. Requests to Maintain Privacy, Not Seek Disciplinary Action and/or Request Not to Participate in the Investigation**

Where a Complainant requests that personally identifying information not be shared with the Respondent, that no investigation into a particular incident be conducted and/or that no disciplinary action taken, the College will balance that request against the College's obligation to provide a safe, non-discriminatory learning, living and working environment for all community members, including the Complainant. This request may occur at any point after the report is made.

The Title IX Coordinator or Deputy Coordinator will evaluate the Complainant's request. When considering whether to honor a Complainant's request that no personally identifying information be shared with the Respondent or that no Investigation or disciplinary action be pursued, the College will consider the totality of the circumstances, including:

- The impact of moving forward on the Complainant's well-being; the increased risk that the Respondent will commit additional acts of sexual or other violence, taking into consideration, among other matters, any known history of arrests, violence, or other reports of Sexual Misconduct Violations involving the Respondent, any threats of future violence made by the Respondent, and whether multiple perpetrators were involved in the reported incident;
- Whether the Sexual Misconduct Violation was perpetrated with the use or threat of use of a weapon or involved physical violence or threat of physical violence;

- Whether the report reveals a pattern of Sexual Misconduct Violations;
- Whether the Complainant is or at the time was a minor; and
- Whether the Sexual Misconduct Violation occurred while the Complainant was unconscious, physically helpless or unaware that the Sexual Misconduct Violations was occurring;
- Whether the Sexual Misconduct Violation was facilitated through the use of a “date rape” or similar drugs or intoxicants;
- Whether the College is able as a practical matter to pursue the investigation without the participation of the Complainant (e.g., whether there has been other relevant evidence of the Violation such as admission by the Respondent, security cameras, other witnesses, or physical evidence); and/or
- Whether other aggravating circumstances exist.

Where possible based on the facts and circumstances, the College will seek action consistent with the Complainant’s request to maintain privacy and/or not conduct further Investigation or disciplinary action. If the College is able to honor the request, the College’s ability to meaningfully investigate and respond to a report may be limited. The College may only be able to respond in more general ways, such as providing targeted training or prevention programs or offering reasonably available remedial measures to the Complainant.

At any time, the Complainant who has initially requested to maintain privacy or declined to participate in an Investigation may choose to pursue Alternative or Formal Resolution where available. The College may also reopen and pursue a report where new or additional information becomes available.

There are times when the College may not be able to honor a Complainant’s request in order to provide a safe, non-discriminatory environment for the College community. Where the balance of factors requires that further investigation be conducted, that disciplinary action be taken, or that the identity of the Complainant be disclosed, the College will inform the Complainant of its intent to investigate prior to commencing the investigation and/or of its intent to disclose the identity of the Complainant. In such cases, the College will make reasonable efforts to protect the privacy of the Complainant consistent with the needs of the Investigation and resolution of the matter, and will, to the extent possible, only share information with people responsible for handling the College’s response; however an investigation normally involves speaking with the Respondent and others who may have relevant information about the incident and disclosing the identity of the Complainant may be necessary in those conversations.

The College will take ongoing steps to protect the Complainant from retaliation or harm and assist the Complainant in accessing support and safety services regardless of their level of participation or engagement with these Procedures.

Because the College is under a continuing obligation to address sexual and gender-based harassment and violence campus-wide, reports of Sexual Misconduct Violations (including reports that do not include personally-identifiable information) will also prompt the College to consider broader remedial action, such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

### **C. Determination after Assessment**

These Procedures offer two forms of resolution for reports of Sexual Misconduct Violations: (1) Formal Resolution, which involves investigation, and review and sanction (if applicable) by an Adjudicator as described below; and (2) Alternative Resolution as described below, which includes a variety of informal options for resolving reports.

After the initial assessment, the Title IX Coordinator will determine whether the circumstances warrant

proceeding to an investigation. The Title IX Coordinator may consult with other College administrators or legal counsel. The determination as to how to proceed will be communicated to the Complainant in writing. Depending on the circumstances and requested resolution, the Respondent may or may not be notified of the report or resolution. A Respondent will be notified when the College takes action that would impact a Respondent, such as protective measures that restrict the Respondent's movement on campus, the initiation of an Investigation, or the decision to seek to involve the Respondent in Alternative Resolution, Investigation, or other Disciplinary Process. Notice to the Respondent will include a written explanation of all available resources and options. The Respondent will also be offered the opportunity to meet to discuss those resources and options. The College will also provide the Respondent an opportunity to respond to such actions.

Following this initial assessment, during an Investigation, or at any point in the Disciplinary Process, Hampshire College may seek an Alternative Resolution that, as appropriate, endeavors to prevent future Sexual Misconduct Violations and addresses their effects without conducting or concluding, as applicable, a formal Disciplinary Process against a Respondent. Alternatively, if appropriate, the College may pursue an Investigation and Disciplinary Process.

## **V. Formal Resolution**

Formal Resolution is commenced when:

- A Complainant reports that a Student has engaged in one or more Sexual Misconduct Violations and requests, at any time, an investigation; or
- Alternative Resolution does not resolve a reported Sexual Misconduct Violation and, in the Title IX Coordinator's discretion, an investigation of the report of the Sexual Misconduct Violation is required; or
- At the conclusion of the assessment process described in Section IV of these Procedures, the Title IX Coordinator has determined, based upon a review of the totality of the circumstances, that investigation of the reported conduct is necessary to ensure the health and safety of the Complainant and/or other members of the College community, notwithstanding the Complainant's request that personally identifying information not be shared with the Respondent, that no investigation be pursued, and/or that no disciplinary action be taken.

### **A. Investigation**

Whenever Formal Resolution is commenced, Investigation will proceed as follows:

1. As a first step, the Title IX Coordinator or Deputy Coordinator will meet with the Complainant and Respondent, separately, to describe the process and resources available. Both the Complainant and the Respondent will be notified in writing (via email) of the nature of the complaint, a summary of the allegations in the complaint and the potential violations at issue. This notice of investigation will typically be provided within five (5) business days after the conclusion of the initial assessment.
2. The Title IX Coordinator or Deputy Coordinator will assign an investigator to conduct a prompt, thorough, fair, and impartial investigation of the report. Any individual designated as an investigator will receive annual training under Title IX and VAWA. The Investigator may consult with the Title IX Coordinator, Deputy Coordinators, or others during the Investigation as necessary. Both parties will be provided with the name of the assigned investigator. The Complainant and Respondent should inform the College of any actual bias or conflicts of interest in the choice of investigator.

3. During the Investigation, the Complainant and Respondent will have an equal opportunity to be heard, to submit information and corroborating evidence, and to identify witnesses who may have relevant information. The investigator will notify and seek to meet with all involved parties separately (e.g., the Complainant, the Respondent, and identified witnesses) and also will gather other evidence and information relevant to the determination as to whether or not a Policy violation has occurred. Witnesses must have information deemed relevant to the Investigation, as determined by the investigator, and cannot be participating solely to speak about an individual's character.
4. Medical and counseling records of a Complainant and Respondent are privileged confidential records that individuals are not required to disclose. However, these records may contain relevant and material information and a party may voluntarily chose to share such records with the investigator. Any records provided by a party become part of the file and are available to review by the other party.
5. Where there is evidence of a pattern of similar conduct by the Respondent or of violent acts or other related conduct, either before or after the conduct in question, regardless of whether there has been a prior finding of a Policy violation, this information may be deemed relevant to the determination of a Policy violation and/or in assigning a sanction. The determination of relevance will be based on an assessment of whether the previous or subsequent incident was substantially similar to the conduct cited in the report, indicates a pattern of behavior and substantial conformity with that pattern, or is otherwise associated with the conduct cited in the report. Prior or subsequent conduct of the Respondent also may be admissible to prove intent, motive, or absence of mistake.
6. A Complainant's prior sexual history will never be considered as evidence of a person's reputation or character. Moreover, evidence related to prior sexual history is generally not relevant to the determination of a Policy violation and will be considered only in limited circumstances. For example, where there is a current or ongoing relationship between the Complainant and the Respondent, and the Respondent alleges that consent was given, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. As noted in the Policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. In addition, prior sexual history may be relevant to explain the presence of a physical injury or to help resolve another questions raised by the report.
7. The investigator has the discretion to determine the relevance of any evidence and may determine that certain types of evidence should be included or excluded in the determination of responsibility. In the absence of good cause, information discoverable through the exercise of due diligence that is not provided to the investigator during the interview stage will not be considered at a hearing. The investigator will communicate to the parties a deadline for submitting evidence.
8. Throughout the process, the Complainant and Respondent have the right to be accompanied by an advisor of their choice (referred to in this policy as a "supporter"). The supporter may be invited by the Complainant or Respondent to attend meetings, investigation interviews, and the hearing, and must follow the guidelines for supporters located in the Student Handbook (see <https://handbook.hampshire.edu/node/208> [20]). The supporter may be any person, including an attorney, who is not otherwise a party or witness to the reported incident(s). While the supporter may be present, the supporter may not speak on behalf of a party, nor be disruptive to the meetings.
9. At the conclusion of the Investigation, the investigator will prepare an investigation report that summarizes the information gathered, outlines the contested and uncontested information, and includes a threshold determination as to whether the allegations, if proven, would provide sufficient information to establish a violation of the Policy by a preponderance of the evidence. A threshold determination does not involve findings of fact or determinations of credibility. This report will include any other related and available documents such as campus police reports, statements, and other relevant materials. The investigator has the discretion to determine the relevance of any evidence and may determine that certain types of evidence should be included or excluded in the investigation report.
10. Both the Complainant and the Respondent will be given the opportunity to review the investigation

report, identify any additional information or witnesses, and provide feedback or comment to the report.

11. The Director of Student Rights and Responsibilities (“Director”) will designate a reasonable time for review and response. Upon receipt of any additional information or comments, the investigator will issue a final investigation report.
  1. If the investigator determines that the threshold has been reached (i.e., that the allegations, if proven, would provide sufficient information to establish a violation of the Policy), the report will be submitted to the Director or their designee, who will convene a hearing as described below in Section V.B.
  2. If the investigator determines that the threshold has not been reached (i.e., that the allegations, if proven, would not provide sufficient information to establish a violation of the Policy), a copy of the report will be provided to the Director. The Director will provide the Complainant and the Respondent an opportunity to review the report. The Complainant may request that the Director or their designee (the “Reviewer”) conduct an Administrative Review of the finding by making a written request for review within five (5) business days. The Reviewer may affirm the threshold finding, reverse the finding, or remand the matter for additional investigation as warranted. The Reviewer will render a decision in writing, to both parties, within ten (10) business days of receipt of the request for review. The decision of the Reviewer is final.
12. Typically, the period from notice of an investigation through resolution (finding and sanction, if any) will not exceed sixty (60) calendar days. This time frame may be extended for good cause as necessary to ensure the integrity and completeness of the Investigation, to comply with a request by external law enforcement, to accommodate the availability of witnesses, to account for Hampshire College breaks or vacations, and to account for complexities of a case. Any extension of the time frame for resolution, and the reason for the extension, will be communicated to the parties in writing.
13. At the request of law enforcement, the College may agree to defer its Title IX Investigation until after the initial stages of a criminal investigation. The College will nevertheless communicate with the Complainant regarding the availability of remedial and protective measures and available courses of action under the Policy and these Procedures. Hampshire College will promptly resume its Title IX Investigation as soon as it is notified by law enforcement of the completion of its initial fact-gathering.
14. The College expects all members of the College community to cooperate fully with an Investigation under these Procedures. It is understood that there may be circumstances in which a Complainant or Respondent wishes to limit their participation, and the College will respect the choice of the Complainant or Respondent as to how to engage in proceedings under these procedures. The College may, however, move forward with an Investigation and disciplinary action without the participation of a party or parties. The College will not draw any adverse inference from a party’s decision not to participate in the Investigation or any form of resolution under this policy; however, the Complainant or Respondent should be aware that declining to participate in the Investigation may impact the timing and outcome of the case.

## **B. Hearing**

The Hearing and Appeal process consists of: (1) Pre-Hearing Steps; (2) a Hearing; and (3) a Determination of Violation and Sanctions.

### **1. Pre-Hearing Steps**

1. The Director or their designee will receive and review the investigation report. The Director may accept the report as rendered or may request that an investigator (1) conduct additional interviews or (2) seek out other evidence as deemed to be appropriate. The Director may consult with the Title IX Coordinator as needed. Any additional Investigation, and a supplemental report, will be completed within seven (7) business days. This time period may be extended for good cause at the discretion

of the Director.

2. **Convening of Hearing Panel:** The hearing will be adjudicated by a three-person panel of Hampshire College faculty and/or staff selected by the Director, which may include faculty or staff members trained to serve on the Community Review Board (“CRB”). (The three-person panel is referred to here collectively as the “Adjudicator”.) All persons serving as an Adjudicator must receive training under Title IX and VAWA and must also be impartial and free from actual bias or conflict of interest. The Complainant and Respondent will be notified of the composition of panelists and must advise the College of any actual bias or conflicts of interest. Panelists may also recuse themselves. The College may make alternative arrangements in Adjudicator assignment as appropriate.
3. **Notice of Hearing:** The Complainant and Respondent will be notified in writing of the date, time, and location of the hearing as well as the specific charges to be reviewed by the Adjudicator. In general, the hearing will be scheduled within ten (10) business days of the date of the Notice of Hearing. This time frame may be extended for good cause at the discretion of the Director. Good cause may include the availability of the parties, the timing of semester breaks, or any other extenuating circumstances.
4. **Pre-Hearing Review of Documents:** The Complainant and Respondent will each have the opportunity to review the final Investigation report, including any supplemental report, and any relevant documents that will be provided to the Adjudicator. The Adjudicator will be provided with the same set of materials before the hearing. Either party may also submit to the Adjudicator at least one (1) business day in advance of the hearing a statement outlining the impact it has had on them and what they would like to see in terms of sanctioning outcomes if the Adjudicator finds a violation did occur and sanctions are warranted.
5. **Request to Postpone Hearing:** Permission to postpone a hearing may be granted provided that the request to do so is based on a compelling emergency and where possible is provided to the Director at least 36 hours prior to the time of the hearing.

## 2. Hearing

1. **Timing:** Typically a hearing will be held within fifty-five (55) calendar days from the date of the initiation of the Investigation. This timeframe may be extended for good cause as necessary to ensure the integrity and completeness of the Investigation, to comply with a request by external law enforcement, to accommodate the availability of witnesses during the investigation phase, to account for Hampshire College breaks or vacations, to account for complexities of a case, including the number of witnesses and volume of information provided by the parties, or to address other legitimate reasons. Any extension of this timeframe, and the reason for the extension, will be shared with the parties in writing.
2. **Hearing Guidelines:** At any hearing under these Procedures, the following guidelines below will apply:
  - **Supporters:** Both the Complainant and Respondent have the right to be accompanied at the hearing and any meetings by a supporter of their choice who is not otherwise a party or witness involved in the Investigation. While the supporter may be present, the supporter may not speak on behalf of a party, may not address the Adjudicator or pose questions, and must not be disruptive to the hearing.
  - **Presence at Hearing:** The parties are not required to participate in person at the hearing in order for the hearing to proceed, but are strongly encouraged to participate. A Complainant or Respondent may request alternative options that do not require physical proximity to the other party, including appearing in person at different times at the hearing or appearing via a remote electronic method. This request should be made no less than five (5) business days prior to the hearing. If, despite being notified of the date, time, and location of the hearing, the Respondent or Complainant is not in attendance, the hearing may proceed and the adjudicator

may determine outcomes, including sanctions. In doing so, the Adjudicator will consider the available evidence. In the absence of clear evidence that emergency circumstances beyond the control of the Complainant or Respondent prevented such person from being present, the decision of the Adjudicator will stand.

- Questioning: The Complainant and Respondent will not be permitted to directly question one another, but will be allowed to propose questions to the Adjudicator who will screen the questions for appropriateness and relevance, in consultation with the Director.
- Hearing Format: The Hearing is an opportunity for the parties to address the Adjudicator about any information in the Investigation Report and any impact and mitigation statements. Each party has the opportunity to be heard, to identify issues or information for the Adjudicator's consideration, and to respond to any questions of the Adjudicator. A typical hearing may include information presented by the investigator, with follow-up questions by the Adjudicator of the investigator; brief remarks by the Complainant and/or Respondent, with follow-up questions posed by the Adjudicator; and brief concluding remarks by the Complainant and/or Respondent. Absent compelling circumstances, it is not anticipated that witnesses will appear at the Hearing. The Director has the discretion to determine the specific hearing format.

### **3. Determination of Violation and Sanctions; Notice of Outcome**

At the conclusion of the hearing, the Adjudicator will determine whether there is sufficient information, by a preponderance of the evidence, to support a finding of responsibility for a violation of the Policy. After consulting with the Director or their designee, the Adjudicator will (1) determine if there is a violation and (2) if so, the Adjudicator will determine the appropriate sanction(s). Prior to making their decision final the Adjudicator's determinations of responsibility and sanctions may be reviewed by the Title IX Coordinator and/or a Deputy Coordinator to advise the Adjudicator with regard to consistency and proportionality in sanctions and sufficient action to eliminate the Sexual Misconduct Violation, prevent its recurrence and remedy its effects.

In determining the appropriate sanction(s), the Adjudicator will consider a number of factors, including:

- The nature of the conduct at issue, including whether it involved violence;
- The impact of the conduct on the Complainant;
- The impact or implications of the conduct on the Hampshire College community;
- Any previous misconduct by the Respondent, at Hampshire College or elsewhere;
- Whether the Respondent has accepted responsibility for the conduct;
- Maintenance of a safe and respectful environment conducive to learning; and
- Any other mitigating, aggravating, or compelling circumstances to reach a just and appropriate resolution in each case.

The Adjudicator may also consider restorative outcomes that, taking into account the safety of the Hampshire College community as a whole, allow a Respondent to develop insight about their responsibility for the behavior, learn about the impact of the behavior on the Complainant and the community, and may impose a combination of sanctions.

The potential sanctions for a violation of the Policy, as set forth in the Outcomes and Sanctions set forth in Code of Conduct, could include: Deferred Sanction Statuses, Disciplinary Probation, Removal from Campus Housing, Housing Relocation, Housing Lottery Restriction, No Contact Order, Restitution, Suspension, and Expulsion. Any Student found responsible for Sexual Assault involving Sexual Intercourse will face a minimum sanction of suspension or expulsion.

Notification of Outcome: The Complainant and Respondent will be notified simultaneously in writing with an Outcome Letter (which may include email) within five (5) business days following the hearing. The

Outcome Letter will set forth the violation(s) of the Policy for which the Respondent was found responsible or not responsible; the rationale for the finding; any sanction(s) imposed against the Respondent; and the rationale for any sanction(s) imposed. The Outcome Letter may also identify protective measures implemented with respect to the Respondent. The Outcome Letter will not disclose any remedial measures provided to the Complainant. In order to protect the privacy of the parties, the College will make reasonable efforts to maintain confidentiality of the Outcome Letter and materials related to the investigation, subject to release by court order, search warrant or subpoena.

### **C. Appeal**

The Complainant or Respondent may appeal the determination by submitting a written appeal within seven (7) calendar days of the date of the Outcome Letter to a senior administrator designated in the Outcome Letter. The designated senior administrator will have appropriate training and experience and will serve as an impartial decision-maker. The written appeal must include the specific grounds for the appeal and any information or argument in support of the appeal. Grounds for an appeal are limited to (1) a material procedural error that substantially impacted the outcome, (2) previously unavailable relevant evidence that could affect the outcome; and/or (3) the sanction being substantially disproportionate to the violation.

The senior administrator will make a determination based on the written record. Appeals are not intended to be a de novo review, i.e., they are not intended to be a review from the beginning. The senior administrator can: 1) affirm the findings, or 2) alter the findings only where there is clear error based on the stated appeal grounds. The senior administrator will make a final decision within ten (10) business days of receiving the appeal. This timeframe may be extended for good cause as necessary to ensure the integrity and completeness of the review. Any extension of the timeframe, and the reason for the extension, will be shared with the parties in writing.

### **D. Effect of a Pending Complaint on a Respondent**

If the Respondent withdraws from Hampshire College after a report of a Sexual Misconduct Violation has been received, the College's Appendix A Procedures will continue to apply to the extent necessary to ensure that the College has taken appropriate steps to eliminate, prevent and address any impacts of the reported conduct. The College will complete the Initial Assessment, and based on the circumstances, the College may move forward with Alternative Resolution or an Investigation and Formal Resolution, regardless of whether the Respondent chooses to participate in the process. In making the determination whether to pursue further action under these Procedures after a Respondent has withdrawn from the institution, the College will consider whether such action is necessary to eliminate, prevent or address any impacts of the reported conduct, or if those goals can be achieved through individual and community remedies or other College action.

When a Respondent withdraws after notice that a Sexual Misconduct Violation has been reported to the College, the Respondent's transcript may reflect a withdrawal. The College may also withhold a Respondent's Hampshire College degree and transcripts pending conclusion of the Formal Resolution procedures and pending the fulfillment of any deferred sanction statuses or disciplinary sanctions.

## **VI. Alternative Resolution**

A Complainant may seek Alternative Resolution instead of an investigation and Formal Resolution. The Title IX Coordinator, however, has the discretion to determine whether the nature of the reported conduct is appropriate for Alternative Resolution, to determine the type of Alternative Resolution that may be

appropriate in a specific case, and, pursuant to Section V of these Procedures, to refer a report for Formal Resolution at any time. Forms of Alternative Resolution that involve face-to-face meetings between the Complainant and the Respondent, such as mediation (even if voluntary), are not available in cases involving Sexual Assault.

Participation in Alternative Resolution (including any specific form of Alternative Resolution) is voluntary. The College will not compel a Complainant or Respondent to engage in Alternative Resolution, will not compel a Complainant to directly confront the Respondent, and will allow a Complainant or Respondent to withdraw from Alternative Resolution at any time. The College may decline the request for Alternative Resolution in any particular case and may stop an ongoing Alternative Resolution process at any time. Pursuing Alternative Resolution does not preclude later use of Formal Resolution if the Alternative Resolution fails to achieve a resolution acceptable to the parties and the College. Where the Complainant or the Respondent withdraws from Alternative Resolution or Alternative Resolution is otherwise terminated for any reason, any statements or disclosures made by the parties during the course of the Alternative Resolution may be considered in a subsequent investigation and Formal Resolution.

With any form of Alternative Resolution, each party has the right to choose and consult with a supporter. The supporter may be any person, including an attorney, who is not otherwise a party or witness to the reported incident(s). The parties may be accompanied by their respective supporters at any meeting or proceeding held as part of Alternative Resolution. While the supporters may provide support and advice to the parties at any meeting and/or proceeding, they may not speak on behalf of the parties, or in any manner disrupt, such meetings and/or proceedings.

Alternative Resolution may include:

**Resolution with the Assistance of a Third Party:** A Complainant may seek assistance in informally resolving a reported Sexual Misconduct Violation from the Title IX Coordinator, who can arrange to have a trained representative facilitate a meeting or meetings between the parties. The availability of this form of Alternative Resolution, and any resolution reached through such form of Alternative Resolution, is subject to the agreement of the Title IX Coordinator, the Complainant and the Respondent. This form of Alternative Resolution may not be used where the allegation involves Sexual Assault.

**Interventions and Remedies:** Alternative Resolution agreements may involve a host of interventions, remedial measures and remedies, such as actions designed to maximize the Complainant's access to educational, extracurricular, and/or College employment activities; increased monitoring, supervision, and/or security at locations or activities where the Sexual Misconduct Violation occurred or is likely to reoccur; targeted or broad-based educational programming or training for relevant individuals or groups; academic and/or College housing modifications for Student Complainants; workplace modifications for Employee Complainants; one or more of the restorative remedies or other sanctions described in these Procedures; and/or any other remedial or protective measures that can be tailored to the involved individuals to achieve the goals of the Policy.

Any form of Alternative Resolution and any combination of interventions and remedies may be utilized. If an agreement acceptable to the College, the Complainant, and the Respondent is reached through Alternative Resolution, the terms of the agreement are implemented and the matter is resolved and closed. If an agreement is not reached, and the Title IX Coordinator determines that further action is necessary, or if a Respondent fails to comply with the terms of the Alternative Resolution, the matter may be referred for an investigation and Formal Resolution under these Procedures.

The Title IX Coordinator will maintain records of all reports and conduct referred for Alternative Resolution, which typically will be completed within forty-five (45) calendar days.

# VII. Records

The College shall retain all records relating to reported Sexual Misconduct Violations for a period of ten (10) years after the date the report was received, or for at least three (3) years after termination of employment, whichever is later.

Questions or comments? Contact the director of the office of student rights and responsibilities, Greg Narleski.

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**Source URL:** <https://handbook.hampshire.edu/node/249>

**Links:**

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- [9] <mailto:peerchaplains@hampshire.edu>
- [10] <https://www.hampshire.edu/housing/resident-advisors>
- [11] [https://www.mtholyoke.edu/campuspolice/victim\\_assistance](https://www.mtholyoke.edu/campuspolice/victim_assistance)
- [12] <http://www.masslegalservices.org/FindLegalAid>
- [13] <http://www.masslegalhelp.org/domestic-violence>
- [14] [http://www.janedoe.org/find\\_help/mass\\_legal\\_help](http://www.janedoe.org/find_help/mass_legal_help)
- [15] <http://northwesternda.org/victim-witness-assistance-unit>
- [16] <https://handbook.hampshire.edu/node/251>
- [17] <mailto:dwilliams@hampshire.edu>
- [18] <mailto:coconnor@hampshire.edu>
- [19] <https://www.masslegalhelp.org/domestic-violence/wdwgfh/chapter6-209a-protective-orders>
- [20] <https://handbook.hampshire.edu/node/208>

# Appendix B: Resource Guide and Procedures for Reports Against Hampshire College Employees

## I. Introduction <sup>[1]</sup>

## II. College and Community Resources <sup>[2]</sup>

- A. Emergency Medical, Law Enforcement, and Crisis-Response Resources
- B. Legal Resources
- C. Interim Remedial and Protective Measures

## III. Reporting Sexual Misconduct Violations <sup>[3]</sup>

- A. Reporting to the College
- B. Reporting to the Police
- C. Preservation of Evidence
- D. Seeking a Protective Order

## IV. Initial Response and Title IX Assessment <sup>[4]</sup>

- A. Initial Assessment
- B. Requests to Maintain Privacy, Not Seek Disciplinary Action, and/or Request Not to Participate in the Investigation
- C. Determination After Assessment

## V. Formal Resolution <sup>[5]</sup>

- A. Investigation
- B. Determining Responsibility and Sanctions
- C. Notice of Outcome
- D. Appeal
- E. Effect of a Pending Complaint on an Employee or Third Party Respondent

## VI. Alternative Resolution <sup>[6]</sup>

# I. Introduction

Hampshire College (the “College”) is committed to maintaining a safe and non-discriminatory learning, living, and working environment for all members of the College community. The College prohibits Sexual Assault, Relationship Violence, Stalking, Sexual or Gender-Based Harassment, Complicity, and Retaliation (“Sexual Misconduct Violations”), as set forth in the Sexual Misconduct, Relationship Violence, and Stalking Policy (the “Policy”). This Appendix provides resources for counseling, support, and reporting (“Resources”) and sets forth the College’s procedures for reporting, investigating, and resolving violations of the Policy where an incident involving an Employee as a Respondent is reported to Hampshire College (“Procedures”). The procedures in Appendix B may also be used to investigate and resolve violations of Policy involving a Third Party as a Respondent, depending on the nature of the relationship of the Third Party to the College, as determined by the Title IX Coordinator (See Policy Section III.E.). These Resources and Procedures should be read in the context of the Policy and capitalized terms used in this document are defined in the Policy.

## II. College and Community Resources

### A. Emergency Medical, Law Enforcement, and Crisis-Response Resources

- Medical Assistance: An individual who experiences sexual assault or any other form of interpersonal violence is strongly encouraged to seek immediate medical attention at one of these locations:
  - Cooley Dickinson Hospital, 30 Locust Street, Northampton, MA 01061 (413) 582-2000
  - Baystate Medical Center, 759 Chestnut Street, Springfield, MA 01199 (413) 794-0000
  - University Health Services at the University of Massachusetts, 150 Infirmary Way, Amherst, MA (413) 577-5000 (Visitors not affiliated with UMass will be seen on a fee for service basis only)

Each of these facilities has access to Sexual Assault Nurse Examiners (also known as “SANE Nurse”). SANE Nurses can assess injuries related to physical trauma; evaluate for sexually-transmitted infections and possible pregnancy; provide medical care (including medications to prevent infections and pregnancy); and can, within the first 72 hours after a sexual assault, administer a “forensic sexual assault examination.” During the forensic exam, the SANE Nurse documents and collects evidence of sexual contact and/or physical trauma (including injuries to the body and genitals), trace evidence, biological fluids, and identifiable DNA. When there is reason to believe that an assault may have been facilitated by the use of drugs or alcohol, the forensic exam may also include the collection of urine and blood samples for toxicology testing. A patient who requests a SANE exam is not required to report the incident to law enforcement or the College in order to receive medical attention or a forensic exam. Patients may have a support person of their choosing present throughout the forensic exam. Students may access follow-up care at Hampshire College Health Services, or through any appropriate health care provider outside of the College. Employees may access follow-up care through any appropriate health care provider of their choice.

- Law Enforcement: All Hampshire community members have the right to report any Sexual Misconduct Violations that may constitute a crime to law enforcement (“Police”). Police have unique legal authority to seek and execute search warrants, to collect forensic evidence that may have been

left at the scene or at other relevant locations, to obtain cell phone and electronic records, and to make an arrest when supported by probable cause to believe a crime has been committed. Police are also able to provide assistance in seeking Emergency Protective Orders (see below).

- Hampshire College Campus Police can be reached by calling “5555” (for emergencies) or (413) 559-5424 (for non-emergencies). Students seeking medical attention at Hampshire College Health Services can ask that Police be called on their behalf.
- Town of Amherst Police can be reached by dialing “911” (for emergencies) or (413) 259-3000 (for non-emergencies).
- **Crisis Resources (Support and Counseling):** All Hampshire community members are urged to seek immediate emotional support after any Sexual Misconduct Violation. There are a number of resources and “hotlines” for crisis counseling, both at the College and in the local community. Some of these resources are able to maintain legally-protected confidentiality (see Section VI of the Policy). Crisis counselors can provide trauma-informed support and offer information about reporting options.
  - **Confidential College Crisis Resources**
    - These individuals may provide confidential counseling and support without disclosing the reported incident to the Title IX Coordinator or other employee of the College:
      - Employee Assistance Program (EAP) offered through E4Health (800) 828-6025
      - Center for Women and Community at UMass 24 hour hotline (413) 545-0800
      - University of Massachusetts Health Services (413) 577-5000 (Visitors not affiliated with UMass will be seen on a fee for service basis only).
  - **Confidential Community and National Crisis Resources**
    - These individuals may provide confidential counseling and support without disclosing the reported incident to the Title IX Coordinator or other employee of the College:
      - Cooley Dickinson Hospital (413) 582-2000 (students may receive free transportation provided by Hampshire College Campus Police)
      - Holyoke Medical Center (413) 534-2500
      - Baystate Medical Center (413) 794-0000
      - Center for Women and Community at UMass 24 hour hotline (413) 545-0800
      - Safe Passage Domestic Violence Program 24 hour hotline (413) 586-5066 or (888) 345-5282 (toll-free).
      - Rape and Incest National Network (RAINN) Hotline (800) 656-4673 <https://rainn.org/><sup>[8]</sup>
      - Student and Employees may also visit their own health and counseling providers.
  - **Private College Support Resources:**
    - These individuals will disclose the reported incident to the Title IX Coordinator, but may be able to maintain the anonymity of the person seeking assistance:
      - Director of Survivor Supports, Wellness Center, (413) 559-4510
      - Ashley Netanel, Director of Wellness Promotion, Wellness Center, (413) 559-5743
      - Emily Rimmer, Director for Queer/Women Services, Center for Feminisms (413) 559-5320
      - Peer Chaplains, [peerchaplains@hampshire.edu](mailto:peerchaplains@hampshire.edu)<sup>[9]</sup>
  - **Additional College Support Resources:**
    - These individuals will disclose the reported incident and all available details of the report to the Title IX Coordinator, but will maintain the privacy of any resources provided:
      - Krista Mazzuca, Director of Human Resources, Blair Hall, First Floor, (413) 559-5605

## B. Legal Resources

There are several resources that may help Students and Employees explore and understand their legal rights and options – both criminal and civil – following a Sexual Misconduct Violation.

- Campus Police Victim/Witness Assistance Center, located at [https://www.mtholyoke.edu/campuspolice/victim\\_assistance](https://www.mtholyoke.edu/campuspolice/victim_assistance) <sup>[10]</sup>
- Mass Legal Services <http://www.masslegalservices.org/FindLegalAid> <sup>[11]</sup>
- Mass Legal Help <http://www.masslegalhelp.org/domestic-violence> <sup>[12]</sup>
- Jane Doe Inc. [http://www.janedoe.org/find\\_help/mass\\_legal\\_help](http://www.janedoe.org/find_help/mass_legal_help) <sup>[13]</sup>
- Northwestern District Attorney's Office <http://northwesternda.org/victim-witness-assistance-unit> <sup>[14]</sup>

The Northwestern District Attorney's Office Domestic Violence and Sexual Assault Unit works closely with police departments, courts and social service agencies to address the serious problem of domestic violence and sexual assault through prosecution of the offenders and the development of strategies for prevention and intervention for the victims. If you are the victim of abuse and you notify the District Attorney's office, they may file charges against the Respondent. You will be assigned a victim witness advocate to keep you informed of court proceedings. You have the right to be notified of the proceedings and to submit a victim impact statement to the court at sentencing.

Complainants and Respondents may consult with an attorney or use one as a supporter during the College Resolution process. The College does not provide or arrange for attorneys.

### **C. Interim Administrative Actions, Remedial and Protective Measures**

The Title IX Coordinators and Deputy Coordinators can provide Employees with information, support, and assistance and can arrange for a broad range of remedial and protective measures. As outlined in the Policy, [interim administrative actions](#) <sup>[15]</sup> and protective measures, which may be temporary or permanent, may include no contact directives, residence modifications, academic arrangements and support, work schedule or work location modifications, and other reasonable and appropriate measures. Complainants are entitled to receive information, assistance, and a broad range of support and remedial measures regardless of whether they choose to pursue criminal and/or College disciplinary resolution of a Sexual Misconduct Violation. For more information about such measures, please see the Remedial and Protective Measures section of the Sexual Misconduct, Relationship Violence, and Stalking Policy or contact the College's Title IX Coordinator.

## **III. Reporting**

The College encourages anyone who experiences or becomes aware of a Sexual Misconduct Violation to make an immediate report. There are multiple channels for reporting a Sexual Misconduct Violation. A Complainant may choose to report a Sexual Misconduct Violation to the College for Resolution under these Procedures, to law enforcement for potential criminal prosecution, to both, or to neither. Complainants may simultaneously pursue criminal and College disciplinary action. The College will support Complainants in understanding and assessing their reporting options.

### **A. Reporting to the College**

The College strongly encourages anyone who has experienced, has knowledge of, or has witnessed a Sexual Misconduct Violation to make a report to the College. Under Title IX, once an institution has notice of a Sexual Misconduct Violation, it is required to (1) take immediate and appropriate steps to investigate or otherwise determine what occurred; (2) provide interim measures to support a Complainant; and (3)

take prompt and effective action to end any Sexual Misconduct Violation that occurred; remedy its effects; and prevent its recurrence.

Making a report to the College does not require participation in any subsequent College proceedings, nor is a report required in order for an Employee to receive support or remedial measures. Individuals are encouraged to report Sexual Misconduct Violations by contacting the Title IX Coordinator or the Title IX Deputy Coordinator for Faculty, Staff and Visitors:

Dianna Williams, Title IX Coordinator

[dwilliams@hampshire.edu](mailto:dwilliams@hampshire.edu) <sup>[16]</sup>

(413) 559-5442

Office: Cole Science Center, Room 109

Krista Mazzuca, Title IX Deputy Coordinator for Staff, Faculty and Visitors

Director of Human Resources

[kmazzuca@hampshire.edu](mailto:kmazzuca@hampshire.edu) <sup>[17]</sup>

(413) 559-5605

Office: Blair Hall, First Floor

Employees should be aware that every employee, including supervisors, managers, and human resources professionals are “Responsible Employees” who are required to report to the Title IX Coordinator all relevant details about a Sexual Misconduct Violation. A Responsible Employee is any College Employee; this includes RAs, TAs, EMTs, and other student employees; who is not a Confidential Employee or Private Employee. This is discussed in detail in Section VI. B. of the Policy.

Upon receipt of a report of a Sexual Misconduct Violation, the College will conduct an initial assessment and take any immediate action that may be necessary to protect the health and safety of the Complainant and the College community, as described in the Procedures below.

The College also offers access to confidential resources for individuals who are unsure about whether to report a Sexual Misconduct Violation or are seeking counseling or other emotional support in addition to (or without) making a report to the College. Section II above identifies confidential resources, both at the College and in the Amherst community. Section VI of the Policy also provides information about confidential resources.

Although there is no time limit for reporting Sexual Misconduct Violations to the College, the College's ability to respond may diminish over time, as evidence may erode, memories may fade, and Respondents may no longer be affiliated with the College. If the Respondent is no longer a Student or an Employee, the College will provide reasonably appropriate remedial measures, assist the Complainant in identifying external reporting options, and take other reasonable steps to respond under Title IX.

## **B. Reporting to the Police**

A Complainant has the right to notify Police or decline to notify Police. Anyone may contact the Police directly (see Section II.A.2, above). Alternatively, College community members may seek assistance in notifying Police from HR. HR can assist in setting up an initial meeting with Police. Filing a Police report does not obligate an Employee to participate in any subsequent criminal proceedings. A Complainant who wishes to pursue criminal action in addition to, or instead of, making a report under these Procedures should contact law enforcement directly:

- Hampshire College Campus Police can be reached by dialing “5555” (for emergencies) or (413) 559-5424 (for non-emergencies).

Town of Amherst Police can be reached by dialing “911” (for emergencies) or (413) 259-3000 (for non-emergencies).

### **C. Preservation of Evidence**

The College recognizes that making the decision to report a Sexual Misconduct Violation often takes time. Nevertheless, pending the decision to report, Employees are strongly encouraged to take immediate steps to preserve all evidence that might support a future report of a Sexual Misconduct Violation, a Protective Order, or an investigation by the Police, by the College, or both. Such evidence may include:

- A forensic sexual assault examination (within 72 hours);
- Any clothing, sheets or other materials (items containing bodily fluids should be stored in cardboard boxes or paper bags);
- Electronic exchanges (e.g., text messages, emails, and Facebook, Instagram, Snapchat or other social media posts, to the extent that they can be captured or preserved);
- Photographs (including photographs stored on smartphones and other devices); and
- Voice-mail messages and other physical, documentary and/or electronic data that might be helpful or relevant in an investigation.

Electronic and photographic evidence may be lost through the upgrade or replacement of equipment (including smartphones), software and/or accounts or may simply be lost to the passage of time or damage to the device.

### **D. Seeking a Protective Order**

Where a Sexual Misconduct Violation is reported to the Police, it may be possible to obtain a court-ordered Protective Order <sup>[18]</sup>. These Protective Orders may be issued if the judge or magistrate believes that there is an immediate threat to health or safety.

“Protective Orders <sup>[18]</sup>” are separate and distinct from “No-Contact Directives” (described in Section VII.A. of the Policy). Protective Orders may be obtained only from a court of law and are enforceable anywhere in the United States; their violation may result in criminal charges.

In contrast, No-Contact Directives may be obtained from the Title IX Coordinator and are enforceable through the College. The Title IX Coordinator or Deputy Coordinators can explain the process for seeking a Protective Order and can escort a Student or Employee to the appropriate office in order to initiate a petition seeking a Protective Order.

## **IV. Initial Response and Title IX Assessment**

When a Complainant or witness reports a Sexual Misconduct Violation, the College will take immediate and appropriate steps to investigate or otherwise determine what happened and work to resolve the matter promptly and equitably. The first step in this process is called an initial assessment.

### **A. Initial Assessment**

Upon receipt of a report, the Title IX Coordinator or Deputy Coordinator will conduct an initial assessment. As part of the initial assessment, the Title IX Coordinator or Deputy Coordinator will:

- Assess the Complainant’s safety and well-being and offer the College’s immediate support and assistance;

- Provide the Complainant with written information about on-campus and off-campus resources and the range of appropriate and available interim measures based on the status of the Complainant;
- Inform the Complainant of the right to seek medical treatment, and explain the importance of obtaining and preserving forensic and other evidence;
- Inform the Complainant of the right to contact law enforcement, decline to contact law enforcement, and/or seek a protective order;
- Inform the Complainant of the right to seek Alternative Resolution (where available) or Formal Resolution under these Procedures, and discuss the Complainant's expressed preference for the manner of resolution and discuss any concerns or barriers to participating in any College investigation and resolution under these Procedures;
- Explain the College's prohibition against Retaliation and that the College will take prompt action in response to any act of Retaliation;
- Assess the nature and circumstances of the report;
- Ascertain the ages of the Complainant and Respondent, if known, and, if either of the parties is a minor (under 18), contact the appropriate child protective services agency; and
- Assess whether the report triggers any Clery Act obligations, including entry of the report in the daily crime log and/or issuance of a timely warning, and take steps to meet those obligations.

Typically, the College will seek to complete an initial assessment within five (5) business days. There may be circumstances, however, where the initial assessment takes longer based on the availability of the Complainant or other necessary information, a Complainant's request to maintain privacy or not seek disciplinary action, or other factors outside of the College's control. The College understands that a Complainant may engage in delayed decision-making, which may impact the timing of the conclusion of the initial assessment.

## **B. Requests to Maintain Privacy, Not Seek Disciplinary Action, and/or Requests Not to Participate in the Investigation**

Where a Complainant requests that personally identifying information not be shared with the Respondent, that no investigation into a particular incident be conducted and/or that no disciplinary action taken, the College will balance that request against the College's obligation to provide a safe, non-discriminatory learning, living and working environment for all community members, including the Complainant. This request may occur at any point after the report is made.

The Title IX Coordinator or Deputy Coordinator will evaluate the Complainant's request. When considering whether to honor a Complainant's request that no personally identifying information be shared with the Respondent or that no Investigation or disciplinary action be pursued, the College will consider the totality of circumstances, including:

- The impact of moving forward on the Complainant's well-being;
- The increased risk that the Respondent will commit additional acts of sexual or other violence, taking into consideration, among other matters, any known history of arrests, violence, or other reports of Sexual Misconduct Violations involving the Respondent, any threats of future violence made by the Respondent, and whether multiple perpetrators were involved in the reported incident;
- Whether the Sexual Misconduct Violation was perpetrated with the use or threat of use of a weapon, or involved physical violence or threat of physical violence;
- Whether the report reveals a pattern of Sexual Misconduct Violations;
- Whether the Complainant is or at the time was a minor;
- Whether the Sexual Misconduct Violation occurred while the Complainant was unconscious, physically helpless or unaware that the Sexual Misconduct Violations was occurring;
- Whether the Sexual Misconduct Violation was facilitated through the use of a "date rape" or similar drugs or intoxicants;

- Whether the College is able as a practical matter to pursue the investigation without the participation of the Complainant (e.g., whether there has been other relevant evidence of the Violation such as security cameras, other witnesses, or physical evidence.); and/or
- Whether other aggravating circumstances exist.

Where possible based on the facts and circumstances, the College will seek action consistent with the Complainant's request to maintain privacy and/or not conduct further Investigation or disciplinary action. If the College is able to honor the request, the College's ability to meaningfully investigate and respond to a report may be limited. The College may only be able to respond in more general ways such as providing targeted training or prevention programs or offering reasonably available remedial measures to the Complainant.

At any time, the Complainant who has initially requested to maintain privacy or declined to participate in an Investigation may choose to pursue Alternative or Formal Resolution where available. The College may also reopen and pursue a report where new or additional information becomes available.

There are times when the College may not be able to honor a Complainant's request in order to provide a safe, non-discriminatory environment for the College community. Where the balance of factors requires that further investigation be conducted, that disciplinary action be taken, or that the identity of the Complainant be disclosed, the College will inform the Complainant of its intent to investigate prior to commencing the investigation and/or of its intent to disclose the identity of the Complainant. In such cases, the College will make reasonable efforts to protect the privacy of the Complainant consistent with the needs of the Investigation and resolution of the matter, and will, to the extent possible, only share information with people responsible for handling the College's response; however an investigation normally involves speaking with the Respondent and others who may have relevant information about the incident and disclosing the identity of the Complainant may be necessary in those conversations.

The College will take ongoing steps to protect the Complainant from retaliation or harm and assist the Complainant in accessing support and safety services regardless of their level of participation or engagement with these Procedures.

Because the College is under a continuing obligation to address sexual and gender-based harassment and violence campus-wide, reports of Sexual Misconduct Violations (including reports that do not include personally-identifiable information) will also prompt the College to consider broader remedial action, such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

### **C. Determination after Assessment**

These Procedures offer two forms of resolution for reports of a Sexual Misconduct Violation: (1) Formal Resolution, which involves investigation, and review and sanction (if applicable) by an Adjudicator as described below; and (2) Alternative Resolution as described below, which includes a variety of informal options for resolving reports.

After the initial assessment, the Title IX Coordinator will determine whether the circumstances warrant proceeding to an investigation. The Title IX Coordinator may consult with Human Resources and legal counsel during the assessment. The determination as to how to proceed will be communicated to the Complainant in writing. Depending on the circumstances and requested resolution, the Respondent may or may not be notified of the report or resolution. A Respondent will be notified when the College takes action that would impact a Respondent, such as protective measures that restrict the Respondent's movement on campus, the initiation of an Investigation, or the decision to seek to involve the Respondent in Alternative

Resolution, Investigation, or other Disciplinary Process.

Notice to the Respondent will include a written explanation of all available resources and options. The Respondent will also be offered the opportunity to meet to discuss those resources and options. The College will also provide the Respondent an opportunity to respond to such actions.

Following the initial assessment, during an Investigation, or at any point in the Disciplinary Process, Hampshire College may seek an Alternative Resolution that, as appropriate, endeavors to prevent future Sexual Misconduct Violations and address their effects without conducting or concluding, as applicable, a formal Disciplinary Process against a Respondent. Alternatively, if appropriate, the College may pursue an Investigation and Disciplinary Process.

## **V. Formal Resolution**

Formal Resolution is commenced when:

- A Complainant reports that an Employee has engaged in one or more Sexual Misconduct Violations and requests, at any time, an investigation; or
- Alternative Resolution does not resolve a reported Sexual Misconduct Violation and, in the Title IX Coordinator's discretion, an investigation of the reported Sexual Misconduct Violation is required; or
- At the conclusion of the assessment process described in Section IV of these Procedures, the Title IX Coordinator has determined, based upon a review of the totality of the circumstances, that investigation of the reported conduct is necessary to ensure the health and safety of the Complainant and/or other members of the College community, notwithstanding the Complainant's request that personally identifying information not be shared with the Respondent, that no investigation be pursued, and/or that no disciplinary action be taken.

### **A. Investigation**

Whenever Formal Resolution is commenced, Investigation will proceed as follows:

1. As a first step, the Title IX Coordinator or Deputy Coordinator will meet with the Complainant and Respondent, separately, to describe the process and resources available. Both the Complainant and the Respondent will be notified in writing (via email) of the nature of the complaint, a summary of the allegations in the complaint and the potential violations at issue. This notice of investigation will typically be provided within five (5) business days after the conclusion of the initial assessment.
2. The Title IX Coordinator or Deputy Coordinator will assign an investigator to conduct a prompt, thorough, fair, and impartial investigation of the report. Any individual designated as an investigator will receive annual training under Title IX and VAWA. The Investigator may consult with the Title IX Coordinator, Deputy Coordinators, or others during the Investigation as necessary. Both parties will be provided with the name of the assigned investigator. The Complainant and Respondent should inform the College of any actual bias or conflicts of interest in the choice of investigator.
3. During the Investigation, the Complainant and Respondent will have an equal opportunity to be heard, to submit information and corroborating evidence, and to identify witnesses who may have relevant information. The investigator will notify and seek to meet with all involved parties separately (e.g., the Complainant, the Respondent, and identified witnesses) and also will gather other evidence and information relevant to the determination as to whether or not a Policy violation has occurred. Witnesses must have information deemed relevant to the Investigation, as determined by the investigator, and cannot be participating solely to speak about an individual's character.
4. Medical and counseling records of a Complainant and Respondent are privileged confidential records

- that individuals are not required to disclose. However, these records may contain relevant and material information and a party may voluntarily chose to share such records with the investigator. Any records provided by a party become part of the file and are available to review by the other party.
5. Where there is evidence of a pattern of similar conduct by the Respondent or of violent acts or other related conduct, either before or after the conduct in question, regardless of whether there has been a prior finding of a Policy violation, this information may be deemed relevant to the determination of a Policy violation and/or in assigning a sanction. The determination of relevance will be based on an assessment of whether the previous or subsequent incident was substantially similar to the conduct cited in the report, indicates a pattern of behavior and substantial conformity with that pattern, or is otherwise associated with the conduct cited in the report. Prior or subsequent conduct of the Respondent also may be admissible to prove intent, motive, or absence of mistake.
  6. A Complainant's prior sexual history will never be considered as evidence of a person's reputation or character. Moreover, evidence related to prior sexual history is generally not relevant to the determination of a Policy violation and will be considered only in limited circumstances. For example, where there is a current or ongoing relationship between the Complainant and the Respondent, and the Respondent alleges that consent was given, the prior sexual history between the parties may be relevant to assess the manner and nature of communications between the parties. As noted in the Policy, however, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. In addition, prior sexual history may be relevant to explain the presence of a physical injury or to help resolve another questions raised by the report.
  7. The investigator has the discretion to determine the relevance of any evidence and may determine that certain types of evidence should be included or excluded in the determination of responsibility. In the absence of good cause, information discoverable through the exercise of due diligence that is not provided to the investigator during the interview stage will not be considered at a hearing. The investigator will communicate to the parties a deadline for submitting evidence.
  8. Throughout the process, the Complainant and Respondent have the right to be accompanied by an advisor of their choice (referred to in this policy as a "supporter"). The supporter may be invited by the Complainant or Respondent to attend meetings, investigation interviews, and the hearing, and must follow the guidelines for supporters located in the Student Handbook (see <https://handbook.hampshire.edu/node/208> <sup>[19]</sup>). The supporter may be any person, including an attorney, who is not otherwise a party or witness to the reported incident(s). While the supporter may be present, the supporter may not speak on behalf of a party, nor be disruptive to the meetings.
  9. At the conclusion of the Investigation, the investigator will prepare an investigation report that summarizes the information gathered, outlines the contested and uncontested information, and includes a recommended determination of whether there is sufficient information, by a preponderance of the evidence, to support a finding of responsibility for a violation of the Policy. In reaching this determination, the investigator may consult with the Title IX Coordinator and Human Resources. This report will include any other related and available documents such as campus police reports, statements, and other relevant materials.
  10. Both the Complainant and the Respondent will be given the opportunity review the investigation report, identify any additional information or witnesses, and provide feedback or comment to the report.
  11. The investigator will designate a reasonable time for review and response. Upon receipt of any additional information or comments, the investigator will issue a final investigation report.
  12. Typically, the period from notice of an investigation through resolution (finding and sanction, if any) will not exceed sixty (60) calendar days. This time frame may be extended for good cause as necessary to ensure the integrity and completeness of the Investigation, to comply with a request by external law enforcement, to accommodate the availability of witnesses, to account for Hampshire College breaks or vacations, and to account for complexities of a case. Any extension of the time frame for resolution, and the reason for the extension, will be communicated to the parties in writing.

13. At the request of law enforcement, the College may agree to defer its Title IX Investigation until after the initial stages of a criminal investigation. The College will nevertheless communicate with the Complainant regarding the availability of remedial and protective measures and available courses of action under the Policy and these Procedures. Hampshire College will promptly resume its Title IX Investigation as soon as it is notified by law enforcement of the completion of its initial fact gathering.
14. The College expects all members of the College community to cooperate fully with an Investigation under these Procedures. It is understood that there may be circumstances in which a Complainant or Respondent wish to limit their participation, and the College will respect the choice of the Complainant or Respondent as to how to engage in proceedings under these procedures. The College may, however, move forward with an Investigation and disciplinary action without the participation of a party or parties. The College will not draw any adverse inference from a party's decision not to participate in the Investigation or any form of resolution under this policy; however, the Complainant or Respondent should be aware that declining to participate in the Investigation may impact the timing and outcome of the case.

## **B. Determining Responsibility and Sanctions**

1. If the investigator determines that there is not sufficient information, by a preponderance of the evidence, to support a finding of responsibility for a violation of the Policy, the Complainant may accept or contest the recommended finding(s) by so notifying the Title IX Coordinator, in writing. If the Complainant accepts the recommended finding(s) of no responsibility, the process is concluded. If the Complainant contests one or more of the recommended finding(s), the Complainant may submit to the Title IX Coordinator a written statement explaining why the Complainant contests such finding(s), within three (3) business days of receiving the investigation report. The Title IX Coordinator will share the Complainant's statement with the Respondent, who will have three (3) business days to respond in writing to any such statement. The Title IX Coordinator will provide the final investigation report, together with any statements by the parties, to the Adjudicating Panel for further proceedings outlined below.
2. If the investigator determines that there is sufficient information, by a preponderance of the evidence, to support a finding of responsibility for a violation of the Policy, the Respondent may accept or contest the recommended finding(s) by so notifying the Title IX Coordinator, in writing. If the Respondent contests one or more of the recommended finding(s), the Respondent may submit to the Title IX Coordinator a written statement explaining why the Respondent contests such finding(s), within three (3) business days of receiving the investigation report. The Title IX Coordinator will share the Respondent's statement with the Complainant, who will have three (3) business days to respond in writing to any such statement. The Title IX Coordinator will provide the final investigation report, together with any statements by the parties, to the Adjudicating Panel for further proceedings as outlined below.
3. The investigation report and any contesting statements and responses thereto made by the parties will be assigned to an Adjudicating Panel that will determine (1) whether the concerns of a contesting party raise substantial doubt about the thoroughness, fairness, and/or impartiality of the investigation; and, if not, (2) whether there is sufficient evidence to support the investigator's recommended finding(s) by a preponderance of the evidence.
4. Adjudicating Panel members will be designated as follows:
  1. In the case of a faculty Employee Respondent, the Adjudicating Panel will include the Vice President for Academic Affairs and Dean of Faculty and one or more School Deans, who will jointly determine appropriate sanctions in consultation with Human Resources. In making the determination, they may meet with the investigator, Complainant, Respondent, and other individuals who may have relevant information as appropriate.
  2. In the case of a non-faculty Employee or Third Party Respondent, the Adjudicating Panel will include the Vice President for Finance and Administration and a designated department head,

who will jointly determine appropriate sanctions in consultation with Human Resources. In making the determination, they may meet with the investigator, Complainant, Respondent, and other individuals who may have relevant information as appropriate.

5. All persons serving as an Adjudicator must receive training under Title IX and VAWA and must also be impartial and free from actual bias or conflict of interest. The Complainant and Respondent will be notified of the Adjudicator assignment and must advise the College of any actual bias or conflicts of interests. Adjudicators may also recuse themselves. The College may make alternative arrangements in Adjudicator assignment as appropriate.
6. Prior to making a final decision, the sanctions will be reviewed by the Title IX Coordinator and/or a Deputy Coordinator to provide advice with regard to consistency and proportionality in sanctions and sufficient action to eliminate the Sexual Misconduct Violation, prevent its recurrence, and remedy its effects.
7. Sanctions for Employee and Third Party Respondents include, but are not limited to, verbal or written Warning, Censure, Education, Training, Removal of Privileges, No Contact Directive, Suspension, and/or Termination from Hampshire College employment. This list is not progressive and any sanction or combination of sanctions may be imposed. Any Employee or Third Party found responsible for Sexual Assault involving Sexual Intercourse will face a minimum sanction of suspension or termination from employment at Hampshire College. Sanctions are effective immediately, unless otherwise specified.
8. In determining the appropriate sanction(s), the College will consider a number of factors, including:
  1. The nature of the conduct at issue, including whether it involved violence;
  2. The impact of the conduct on the Complainant;
  3. The impact or implications of the conduct on the Hampshire College community;
  4. Any previous misconduct by the Respondent, at Hampshire College or elsewhere;
  5. Whether the Respondent has accepted responsibility for the conduct;
  6. Maintenance of a safe and respectful environment conducive to learning; and
  7. Any other mitigating, aggravating, or compelling circumstances to reach a just and appropriate resolution in each case.

### **C. Notice of Outcome**

The Complainant and Respondent will be notified simultaneously in writing with an Outcome Letter (which may include email) from either the VPAA/DOF (for faculty Employees) or the VPFA (for non-faculty Employees) within five (5) business days following the decision. The Outcome Letter will set forth the violation(s) of the Policy for which the Respondent was found responsible or not responsible; the rationale for the finding; any sanction(s) imposed against the Respondent; and the rationale for any sanction(s) imposed. The Outcome Letter will not disclose any remedial measures provided to the Complainant. In order to protect the privacy of the parties, the College will make reasonable efforts to maintain confidentiality of the Outcome Letter and materials related to the investigation, subject to release by court order, search warrant or subpoena.

### **D. Appeal**

The Complainant or Respondent may appeal the determination by submitting a written appeal within seven (7) calendar days of the date of the Outcome Letter to a senior administrator designated in the Outcome Letter. The designated senior administrator will have appropriate training and experience and will serve as an impartial decision-maker. The written appeal must include the specific grounds for the appeal and any information or argument in support of the appeal. Grounds for an appeal are limited to (1) a material procedural error that substantially impacted the outcome, (2) previously unavailable relevant evidence that could affect the outcome, and/or (3) the sanction being substantially disproportionate to the violation.

The senior administrator will make a determination based on the written record. Appeals are not intended

to be a de novo review, i.e., they are not intended to be a review from the beginning. The senior administrator can: 1) affirm the findings, or 2) alter the findings only where there is clear error based on the stated appeal grounds. The senior administrator will make a final decision within ten (10) business days of receiving the appeal. This timeframe may be extended for good cause as necessary to ensure the integrity and completeness of the review. Any extension of the timeframe, and the reason for the extension, will be shared with the parties in writing.

### **E. Effect of a Pending Complaint on an Employee or Third Party Respondent**

If the Respondent separates employment from the College for any reason after a report of a Sexual Misconduct Violation has been received, the College's Appendix B Procedures will continue to apply to the extent necessary to ensure that the College has taken appropriate steps to eliminate, prevent and address any impacts of the reported conduct. The College will complete the Initial Assessment, and based on the circumstances the College may move forward with Alternative Resolution or an Investigation and Formal Resolution, regardless of whether the Respondent chooses to participate in the process. In making the determination whether to pursue further action under these Procedures after a Respondent has separated from the institution, the College will consider whether such action is necessary to eliminate, prevent or address any impacts of the reported conduct, or if those goals can be achieved through individual and community remedies or other College action.

## **VI. Alternative Resolution**

A Complainant may seek Alternative Resolution instead of an investigation and Formal Resolution. The Title IX Coordinator, however, has the discretion to determine whether the nature of the reported conduct is appropriate for Alternative Resolution, to determine the type of Alternative Resolution that may be appropriate in a specific case, and, pursuant to Section V of these Procedures, to refer a report for Formal Resolution at any time. Forms of Alternative Resolution that involve face-to-face meetings between the Complainant and the Respondent, such as mediation (even if voluntary), are not available (a) in cases involving Sexual Assault, and/or (b) where the Complainant is a Student and the Respondent is an Employee in a position of authority over the Complainant.

Participation in Alternative Resolution (including any specific form of Alternative Resolution) is voluntary. The College will not compel a Complainant or Respondent to engage in Alternative Resolution, will not compel a Complainant to directly confront the Respondent, and will allow a Complainant or Respondent to withdraw from Alternative Resolution at any time. The College may decline the request for Alternative Resolution in any particular case and may stop an ongoing Alternative Resolution process at any time. Pursuing Alternative Resolution does not preclude later use of Formal Resolution if the Alternative Resolution fails to achieve a resolution acceptable to the parties and the College. Where the Complainant or the Respondent withdraws from Alternative Resolution or Alternative Resolution is otherwise terminated for any reason, any statements or disclosures made by the parties during the course of the Alternative Resolution may be considered in a subsequent investigation and Formal Resolution.

With any form of Alternative Resolution, each party has the right to choose and consult with a supporter. The supporter may be any person, including an attorney, who is not otherwise a party or witness to the reported incident(s). The parties may be accompanied by their respective supporters at any meeting or proceeding held as part of Alternative Resolution. While the supporters may provide support and advice to the parties at any meeting and/or proceeding, they may not speak on behalf of the parties, or in any manner disrupt, such meetings and/or proceedings.

Alternative Resolution may include:

Resolution with the Assistance of a Third Party: A Complainant may seek assistance in informally resolving a reported Sexual Misconduct Violation from the Title IX Coordinator, who can arrange to have a trained representative facilitate a meeting or meetings between the parties. The availability of this form of Alternative Resolution, and any resolution reached through such form of Alternative Resolution, is subject to the agreement of the Title IX Coordinator, the Complainant and the Respondent. This form of Alternative Resolution may not be used where the allegation involves Sexual Assault.

Interventions and Remedies: Alternative Resolution agreements may involve a host of interventions, remedial measures and remedies, such as actions designed to maximize the Complainant's access to educational, extracurricular, and/or College employment activities; increased monitoring, supervision, and/or security at locations or activities where the Sexual Misconduct Violation occurred or is likely to reoccur; targeted or broad-based educational programming or training for relevant individuals or groups; academic and/or College housing modifications for Student Complainants; workplace modifications for Employee Complainants; one or more of the restorative remedies or other sanctions described in these Procedures; and/or any other remedial or protective measures that can be tailored to the involved individuals to achieve the goals of the Policy.

Any form of Alternative Resolution and any combination of interventions and remedies may be utilized. If an agreement acceptable to the College, the Complainant, and the Respondent is reached through Alternative Resolution, the terms of the agreement are implemented and the matter is resolved and closed. If an agreement is not reached, and the Title IX Coordinator determines that further action is necessary, or if a Respondent fails to comply with the terms of the Alternative Resolution, the matter may be referred for an investigation and Formal Resolution under these Procedures.

The Title IX Coordinator will maintain records of all reports and conduct referred for Alternative Resolution, which typically will be completed within forty-five (45) calendar days.

## VII. Records

The College shall retain all records relating to reported Sexual Misconduct Violations for a period of ten (10) years after the date the report was received, or for at least three (3) years after termination of employment, whichever is later.

Questions or comments? Contact the director of the office of student rights and responsibilities, [Greg Narleski](#).

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- [13] [http://www.janedoe.org/find\\_help/mass\\_legal\\_help](http://www.janedoe.org/find_help/mass_legal_help)

[14] <http://northwesternda.org/victim-witness-assistance-unit>

[15] <https://handbook.hampshire.edu/node/251>

[16] <mailto:dwilliams@hampshire.edu>

[17] <mailto:kmazzuca@hampshire.edu>

[18] <http://www.masslegalhelp.org/domestic-violence/wdvgfh/chapter6-209a-protective-orders>

[19] <https://handbook.hampshire.edu/node/208>