

# SEXUAL MISCONDUCT, RELATIONSHIP VIOLENCE, AND STALKING POLICY

Revised 01/23/17

**Effective:** August 1, 2016

**Supersedes:** Gender-based and Sexual Misconduct Policy and Grievance Process in the Student Handbook, dated August 2015; Sexual Harassment Policy in the Employee Policy Manual, dated 1999.

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## **I. STATEMENT OF POLICY**

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

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

Hampshire College adopts this policy with a commitment to: (1) eliminating, preventing, and addressing the effects of Sexual Misconduct Violations; (2) fostering a community of trust in which Sexual Misconduct Violations are not tolerated; (3) cultivating a climate where all individuals are well-informed and supported in reporting Sexual Misconduct Violations; (4) providing a fair and impartial process for all parties, and (5) identifying the standards by which violations of this policy will be evaluated and disciplinary action may be imposed. This policy defines Sexual Misconduct Violations; outlines available resources and reporting options

available to students and employees; and references the applicable investigative and disciplinary procedures (Appendices A and B). Hampshire College will take prompt and equitable action to eliminate Sexual Misconduct Violations, prevent their recurrence and address their effects. The College also conducts prevention, awareness, and training programs for students and employees to facilitate the goals of this policy.

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

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

Other forms of discrimination, including discrimination based on race, religion, and disability, as well as any other form of sex-based discrimination not covered by this policy, are addressed by: (1) the Non-Discrimination and Anti-Harassment Policy for Employees, (2) the Faculty Handbook, and (3) the Non-Discrimination and Anti-Harassment Policy for Students. This policy supersedes any conflicting provision contained in those policies. Where Sexual Misconduct Violations violate this policy and also violate any other College policies, the College’s response will be governed by the procedures referenced in this policy and explained in its Appendices A and B, provided that this does not cause undue delay in prompt resolution of a report under this policy. For questions about which policy applies in a specific instance, please contact Hampshire College’s Title IX Coordinator, Diana Sutton-Fernández at (413) 559-6253.

## **II. TO WHOM THIS POLICY APPLIES**

This 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.

### **III. APPLICABLE PROCEDURES UNDER THIS POLICY**

The specific procedures for reporting, investigating and resolving Sexual Misconduct Violations are based upon the nature of the Respondent's relationship to the College (Student, Employee, or Third Party). Each set of procedures is guided by principles of fairness and respect for a Complainant and a Respondent. "Complainant" means the individual who presents as the victim<sup>1</sup> of any Sexual Misconduct Violation under this policy, regardless of whether that person makes a report or seeks action under this policy. "Respondent" means the individual who has been accused of violating this policy.

The procedures outlined in Appendix A (for Reports against Students) and Appendix B (for Reports against Employees) provide for prompt and equitable response to reports of Sexual Misconduct Violations. The procedures designate specific timeframes for major stages of the process and provide for thorough and impartial investigations that afford all parties notice, an opportunity to present witnesses and evidence for consideration by the investigator, and the opportunity to view the information that will be used in determining whether a policy violation has occurred. The College applies the preponderance of the evidence standard when determining whether this policy has been violated. "Preponderance of the Evidence" means that it is more likely than not that a policy violation occurred. A Respondent has the right to be presumed not responsible until proven responsible by the preponderance of the evidence.

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<sup>1</sup> We recognize that many individuals may choose to self-identify as a survivor rather than a victim or Complainant. The choice of language for any individual is a personal choice and will be respected by the College. In this policy, however, the College uses the terms Complainant and Respondent to assure consistency throughout this policy and with other policies.

**A. WHERE THE RESPONDENT IS A STUDENT**

The procedures for responding to reports of Sexual Misconduct Violations committed by Students are detailed in “Appendix A: Resource Guide and Procedures for Reports Against Students.” If the Respondent is a Five College Student taking classes at Hampshire, the procedures for investigating and resolving Sexual Misconduct Violations at the Students’ home institution will apply, although the College may remove the Five College Student from the course or prohibit their presence on campus (no trespass).

**B. WHERE THE RESPONDENT IS AN EMPLOYEE**

The procedures for responding to reports of Sexual Misconduct Violations committed by Employees are detailed in “Appendix B: Resource Guide and Procedures for Reports Against Employees.” If the Respondent is a shared employee between Hampshire College and another higher education institution, including Five Colleges, Incorporated, the College’s decision to take corrective action under Appendix B will be informed by the nature of the relationship of the Employee to the College. The Title IX Coordinator will determine the appropriate manner of resolution consistent with the College’s commitment to a prompt and equitable process consistent with federal and state law and federal guidance, and the College may hold proceedings for investigating and resolving Sexual Misconduct Violations according to Appendix B of this policy. Regardless of the College’s action, the procedures for investigating and resolving Sexual Misconduct Violations at the Respondent’s home institution will also apply. The home institution is the institution responsible for processing payroll for the Employee.

**C. WHERE THE RESPONDENT IS BOTH A STUDENT AND AN EMPLOYEE**

Where a Respondent is both a Student and an Employee, the Student-Respondent procedures (Appendix A) will apply if (a) the Student’s primary status is an enrolled student, and (b) the Student is not enrolled as a benefit of their own employment at Hampshire College. Where there is a question as to the predominant role of the Respondent, the College’s Title IX Coordinator will determine which of the procedures applies based on the facts and circumstances (such as which role predominates in the context of the Sexual Misconduct Violation). Further, where a Respondent is both a Student and an Employee, the Respondent may be subject to any of the sanctions applicable to Students or Employees.

**D. MORE INFORMATION ABOUT PROCEDURES FOR FIVE COLLEGE INTERCHANGE STUDENTS AND SHARED EMPLOYEES**

Hampshire College Students, and Five College Students and Employees generally, are subject to the disciplinary policies of the other Five College institutions while present on their respective campuses. Where a Student or Employee violates the disciplinary policies of another of the Five College campuses while visiting that campus, that conduct violation will be treated as though it occurred on the Respondent's home campus, as indicated in Sections A and B above. The Respondent will then be subjected to their home institution's applicable and appropriate disciplinary procedures. While the College does not have the authority to enforce remedial or protective measures or sanctions on another campus, the College will take prompt and effective action to protect the Hampshire community from Sexual Misconduct Violations, remedy their effects, and prevent their recurrence, which may include limiting or prohibiting a Respondent's access to the College. The College will assist Five College Complainants according to Section VII below to the extent reasonably practicable and will coordinate efforts with the Title IX Coordinator at the Complainant's home institution to assure resources and support are provided to the Complainant. For example, the College can accompany the Complainant to a meeting with the home institution's Title IX Coordinator or to a court hearing, and can offer resources, support, and remedial or protective measures available on Hampshire College's campus. The College does not have the authority or ability to enforce remedial and protective measures or sanctions on other campuses.

#### **E. WHERE THE RESPONDENT IS A THIRD PARTY**

The College's ability to take appropriate corrective action against a Third Party will be determined by the nature of the relationship of the Third Party to the College. The Title IX Coordinator will determine the appropriate manner of resolution consistent with the College's commitment to a prompt and equitable process consistent with federal and state law, federal guidance, and this policy.

#### **IV. ENFORCEMENT**

A Student or Employee determined by Hampshire College to have committed a violation of this policy is subject to disciplinary action, up to and including separation from Hampshire College. Five College Students and Employees and Third Parties who violate this policy may have their relationship with the College terminated and/or their privilege of being on College premises withdrawn.

#### **V. TITLE IX COORDINATOR**

Under Title IX:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

The College has designated a senior administrator to serve as the Title IX Coordinator. The Title IX Coordinator is charged with monitoring compliance with Title IX; ensuring appropriate education, training, and notifications; overseeing reports; coordinating the College's investigation, response, and resolution of all reports under this policy, and ensuring appropriate actions to eliminate Sexual Misconduct Violations, prevent their reoccurrence, and remedy their effects. The Title IX Coordinator is available to meet with any Student, Employee, or Third Party to discuss this policy or the accompanying procedures. The College has also designated Deputy Title IX Coordinators who may assist the Title IX Coordinator in the discharge of these responsibilities. The Title IX Coordinator and Deputy Title IX Coordinators receive appropriate training to discharge their responsibilities.

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

The Title IX Coordinator and Deputy Title IX Coordinators can be contacted by telephone, email, or in person during regular office hours:

**Dianna Williams, Title IX Coordinator**

dwilliams@hampshire.edu  
(413) 559-5442  
Office Cole Science Center, Room 109

**Shannon Da Silva, Title IX Deputy Coordinator for Students**

Student Life Coordinator  
sdasilva@hampshire.edu  
(413) 559-4510  
Office: Enfield House, Second Floor

**Jessica Fontaine, Title IX Deputy Coordinator for Student Case Management**

Director of Student Conduct, Rights and Responsibilities  
jfontaine@hampshire.edu  
(413) 559-6205  
Office: Prescott Area Office

**Amanda Surgen, Title IX Deputy Coordinator for Athletics**

Assistant Director for OPRA  
asurgen@hampshire.edu  
(413) 559-5754  
Office: Robert Crown Center

Amy Hunter, **Title IX Deputy Coordinator for Staff, Faculty and Visitors**  
Interim Director of Human Resources  
ahunter@hampshire.edu  
(413) 559-5605  
Office: Blair Hall, First Floor

## **VI. PRIVACY AND CONFIDENTIALITY**

Hampshire College is committed to protecting the privacy of the parties involved in a report under this policy, and will respect the wishes of the Complainant to the extent possible without impeding its investigation and/or its ability to end harassment and eliminate a hostile environment. The College is also committed to providing assistance to help Complainants make informed choices. All parties have the right to decline to participate in the College's investigation and hearing processes at any time, with the understanding that the College will only be able to take action on the information available through the exercise of reasonable care. It is expected that any materials and information prepared or obtained under the investigation process will be shared with those parties who have a legitimate need to know consistent with law and policy. Disclosure of such information may also be made necessary if permissible by law and the Title IX Coordinator determines in their judgment that disclosure is necessary for the safety and well-being of the Hampshire College community.

### **A. DISTINCTION BETWEEN PRIVACY AND CONFIDENTIALITY**

Privacy and confidentiality have distinct meanings under this policy.

**Privacy:** Privacy generally means that information related to a report of misconduct will be shared with a limited circle of individuals who "need to know" in order to assist in the active review, investigation, resolution of the report, and related issues. All Hampshire College employees who are involved in Hampshire's Title IX response receive specific training and guidance about safeguarding private information in accordance with applicable laws.

The privacy of Student education records will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA). The privacy of an individual's medical and related records generally are protected in the United States by the Health Insurance Portability and Accountability Act (HIPAA), excepting health records protected by FERPA.

**Confidentiality:** Confidentiality exists in the context of laws that protect certain relationships, including with medical and clinical care providers (and those who provide administrative services related to the provision of medical and clinical care), mental health providers,



counselors, and ordained clergy, all of whom may engage in confidential communications under Massachusetts law. The college has designated individuals who have the ability to have privileged communications as “Confidential Employees.” When information is shared by an individual with a Confidential Employee or a community professional with the same legal protections, the Confidential Employee cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is an imminent threat of the individual causing serious harm to self or others; (iii) the information concerns conduct involving [suspected abuse or neglect of a minor under the age of 18](#), which must be reported to the Massachusetts Department of Children and Families’ Child Protection Hotline at 1-800-792-5200 or (iv) as otherwise required or permitted by law or court order, including reporting felony crimes to State Police.

## **B. EMPLOYEE RESPONSIBILITY TO REPORT DISCLOSURES OF INFORMATION ABOUT SEXUAL MISCONDUCT VIOLATIONS**

It is important to understand the different responsibilities of Hampshire College Employees. Every Hampshire College Employee is designated as either a “Confidential Employee” or a “Responsible Employee”.

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

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

Responsible Employees are not required to report information disclosed (1) at public awareness events (e.g., “Take Back the Night”, candlelight vigils, protests, “survivor speak-outs”, or other public forums in which students may disclose Sexual Misconduct Violations; collectively “Public Awareness Events”; or (2) during an individual’s participation as a subject in an Institutional Review Board-approved human subjects research protocol (“IRB Research”). The College may provide information about Title IX rights and about available College and community resources and support at Public Awareness Events, however, and Institutional Review Boards may, in appropriate cases, require researchers to provide such information to all subjects of IRB research.

**Private Resources:** A small subsection of Responsible Employees have the ability to receive reports and share information with the Title IX Coordinator in a manner that preserves the anonymity of the Complainant. These include the Director for Queer/Women Services and Peer Chaplains. In order to foster increased reporting, Hampshire has designated these individuals as reporting options. In turn, these resources are permitted to share the report with the Title IX Coordinator in a manner that initially excludes personally identifiable information about the Complainant or witness. In the event that the resource and/or the Title IX Coordinator determine that the reported conduct poses a potential threat to the health or safety of any campus community member, the resource may be required to share personally identifiable information. This manner of reporting may help inform the Title IX Coordinator of the general extent and nature of sexual violence on and off campus so the Coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Without the sharing of personally-identifiable information, however, the Title IX Coordinator’s ability to respond may be limited. In addition, unlike Confidential Employees, who have statutorily-protected legal confidentiality, records maintained by these resources may be subject to release by court order, search warrant or subpoena.

- Emily Rimmer, Director for Queer/Women Services, Center for Feminisms (413) 559-5320
- Peer Chaplains, [peerchaplains@hampshire.edu](mailto:peerchaplains@hampshire.edu)

**Clery Act Reporting:** Pursuant to the Clery Act, Hampshire College includes statistics about certain offenses in its daily crime log and annual security report and provides those statistics to the United States Department of Education, but does so in a manner that does not include any identifying information about persons involved in an incident. The College will also assess a report of misconduct for the need to issue a timely warning under the Clery Act. If a report of misconduct discloses a serious and continuing threat to the campus community, where timely notice must be given to protect the health or safety of the community, the College is required to

issue a timely notification to the community under the Clery Act. The timely warning will not provide any identifying information about the Complainant.

## **VII. RESOURCES AND REPORTING OPTIONS**

The College offers a wide range of resources to provide Students and Employees with support and guidance in response to Sexual Misconduct Violations. For comprehensive information on accessing College and community resources, including emergency and on-going assistance; health, mental health, and victim-advocacy services, options for reporting Sexual Misconduct Violations to the College and/or law enforcement; and available support with academics, housing, and employment:

- Students should refer to Appendix A.
- Employees should refer to Appendix B.
- Third Parties should contact the Title IX Coordinator to discuss available College and/or community resources and reasonably available assistance.

### **A. REMEDIAL AND PROTECTIVE MEASURES**

The College will take and/or make available reasonable and appropriate measures to provide support and guidance throughout the initiation, investigation, and resolution of a reported Sexual Misconduct Violation. The College will offer reasonable and appropriate measures to protect a Complainant and facilitate the Complainant's continued access to College employment or education programs and activities. These measures may be both remedial (designed to address a Complainant's safety and well-being and continued access to educational opportunities) or protective (involving action against a Respondent). Remedial measures are available regardless of whether a Complainant pursues a complaint or investigation under this policy. Hampshire College will maintain the privacy of any remedial or protective measures provided under this policy to the extent practicable and will promptly address any violation of the protective measures. The Title IX Coordinator has the discretion to impose and/or modify any interim measure based on all available information, and is available to meet with a Complainant or Respondent to address any concerns about the provision of interim measures.

The College will assist Five College Complainants to the extent reasonably practicable and will coordinate efforts with the Title IX Coordinator at the Complainant's home institution to assure resources and support are provided to the Complainant. For example, the College can accompany the Complainant to a meeting with the home institution's Title IX Coordinator or to a court hearing, and can offer resources, support, and remedial or protective measures available on Hampshire College's campus. The College does not have the authority or ability to enforce remedial and protective measures or sanctions on other campuses.

For information, support, assistance, and the arrangement of a broad range of remedial and protective measures, contact the Title IX Coordinator or Deputy Coordinators. Students may also contact the Office of the Dean of Students ("ODOS") in the Merrill Student Life Center, Second Floor (413) 559-5412, and Employees may also contact the Office of Human Resources

in Blair Hall (413) 559-5411. The Title IX Coordinator, Deputy Coordinators, and ODOS employees have received training for this purpose and will assist Students or Employees in determining whether certain forms of support, remedial and/or protective measures may be beneficial and appropriate. ODOS and Human Resources employees are Responsible Employees and are therefore required to report information disclosed to them about Sexual Misconduct Violations to the College's Title IX Coordinator.

The availability of remedial and protective measures will be determined by the specific circumstances of each case. The College will consider a number of factors in determining which measures to take, including the needs of the Student or Employee seeking remedial and/or protective measures; the severity or pervasiveness of the alleged Sexual Misconduct Violation; any continuing effects on the Complainant; whether the Complainant and the Respondent share the same residence hall, academic course(s), job location(s); whether the Complainant and/or the Respondent are Five College Students or Employees; and whether other judicial measures have been taken to protect the Complainant (e.g., Protective Orders). When implementing such measures, the College will seek to minimize the burden on the Complainant. For example, if the Complainant and the Respondent share the same class or residence hall, the College will not, as a matter of course, remove the Complainant from the class or residence hall while allowing the Respondent to remain, without carefully considering all options and circumstances.

Remedial and protective measures may be temporary or permanent and may be modified by the College as circumstances change. Examples of such measures include:

- Imposition of a No-Contact Directive against an Employee or Student (i.e., an order directing one or both of the parties to refrain from contacting the other, directly or through proxies);
- Arranging access to counseling services and assistance in setting up initial appointments for Students, or providing contact information for available counseling services for Employees;
- Arranging access to medical services and assistance in setting up initial appointments for Students, or providing contact information for available medical services for Employees;
- Assistance in seeking academic assistance or modifications;
- Assistance in modifying College housing arrangements, including immediate temporary relocation to safe living quarters and/or permanent reassignment of College residence halls;
- Assistance in modifying College employment arrangements, including changes in work schedules, job assignments, or work locations;
- Changing an Employee's phone number at work;
- Assistance in enforcement of Protective Orders in an Employee's work environment;
- Arranging a meeting with Police to discuss or report a Sexual Misconduct Violation;
- Arranging a meeting with Police to discuss safety planning; and
- Any other measures that may be arranged by the College (to the extent reasonably available) to ensure the safety and well-being of a Student or Employee who has been affected by a Sexual Misconduct Violation.

In some cases, a Student may choose to seek a leave of absence or a reduced course load; these actions may, in turn, impact a Student's immigration, visa and/or financial aid status. In such cases, the Title IX Coordinator, Deputy Coordinators, or ODOS staff will connect Students with the applicable College department or unit so that they may obtain relevant information and assistance. If informed of a report, the Title IX Coordinator or Deputy Coordinators will ensure Students receive written notification of all their rights and options, regardless of whether a Student chooses to report a Sexual Misconduct Violation to the College or to the Police.

In some cases, an Employee may choose to seek leave to make arrangements or meet other legal obligations. The College will endeavor to approve reasonable leave for Employees who have experienced a Sexual Misconduct Violation to seek assistance or make arrangements related to the incident. Employees should direct any such requests for leave to their supervisor or, in the case of faculty, to their School Dean. Employees and/or supervisors and deans should direct any questions or concerns related to such requests to Human Resources.

The College will provide reasonable remedial and protective measures to Third Parties as appropriate and available, taking into account the role of the Third Party and the nature of any contractual relationship with the College.

## **B. CONFIDENTIAL RESOURCES**

Consistent with the definition of confidentiality and designation of Confidential Employees, there are a number of resources within the College and local community where Students and Employees can obtain confidential, trauma-informed counseling and support:

Students may contact Hampshire College Health and Counseling Services (413) 559-5458, Cooley Dickinson Hospital (413) 582-2000, the Center for Women and Community at the University of Massachusetts (888) 337-0800, and Hampshire College Spiritual Life Professional Staff (413) 559-5282. For a complete list of Hampshire College and community-based Confidential Resources for Students, see Appendix A.

Employees may contact Cooley Dickinson Hospital (413) 582-2000, the Center for Women and Community at University of Massachusetts (888) 337-0800, or the Employee Assistance Program (EAP) offered through E4Health (800) 828-6025. For a complete list of Hampshire College and community-based Confidential Resources for Employees, see Appendix B.

## **C. REPORTING**

There are multiple channels for reporting Sexual Misconduct Violations or potential criminal conduct. A Complainant may choose to report to the College, to law enforcement, to both, or to neither. Complainants may simultaneously pursue criminal and College disciplinary action.

### **Reporting to the College**

Hampshire College strongly encourages anyone who becomes aware of a Sexual Misconduct Violation to immediately report the incident by contacting one of the following Reporting Options:

- Dianna Williams, Title IX Coordinator (413) 559-5442, [dwilliams@hampshire.edu](mailto:dwilliams@hampshire.edu)
- Shannon Da Silva, Title IX Deputy Coordinator for Students (413) 559-4510, [sdasilva@hampshire.edu](mailto:sdasilva@hampshire.edu)
- Jessica Fontaine, Title IX Deputy Coordinator for Student Case Management (413) 559-6205, [jfontaine@hampshire.edu](mailto:jfontaine@hampshire.edu)
- Amanda Surgen, Title IX Deputy Coordinator for Athletics (413) 559-5754, [asurgen@hampshire.edu](mailto:asurgen@hampshire.edu)
- Amy Hunter, Title IX Deputy Coordinator for Staff, Faculty and Visitors (413) 559-5605, [ahunter@hampshire.edu](mailto:ahunter@hampshire.edu)

There is no time limit on reporting violations of this policy, although the College's ability to respond may diminish over time, as evidence may erode, memories fade, and Respondents may no longer be affiliated with the College. If the Respondent is no longer a Student or Employee, the College will provide reasonably appropriate remedial measures, assist the Complainant in identifying external reporting options, and take reasonable steps to eliminate Sexual Misconduct Violations, prevent their recurrence, and remedy their effects.

In order to foster increased reporting of Sexual Misconduct Violations, the College will not pursue disciplinary action against Complainants or witnesses for personal consumption of alcohol or other drugs in violation of College policy where this information is disclosed in connection with a good faith report or investigation of a Sexual Misconduct Violation and it does not otherwise threaten the health or safety of any individual.

**Obligation to Provide Truthful Information:** All College community members are expected to provide truthful information in any report or proceeding under this policy. Submitting a false report or providing false or misleading information in bad faith or with a view to personal gain is prohibited and subject to disciplinary sanction. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are determined not to be accurate.

### **Reporting to Law Enforcement**

A Complainant has the right to notify or decline to notify law enforcement. A Complainant who wishes to pursue criminal action in addition to, or instead of, making a report to the College is strongly encouraged to immediately contact law enforcement directly:

- 911 (for emergencies)
- Town of Amherst Police (413) 259-3000 (for non-emergencies)
- Hampshire College Campus Police (413) 559-5424 (for non-emergencies)

Police have unique legal authority, including the power to seek and execute search warrants, collect forensic evidence, make arrests, and assist in seeking civil protective orders. The College will offer support and transportation to any Complainant seeking assistance in notifying law enforcement. Under limited circumstances posing a threat to health or safety of any College community member, the College may independently notify law enforcement.

## **VIII. SEXUAL MISCONDUCT VIOLATIONS UNDER THIS POLICY**

Conduct under this policy is prohibited regardless of the sexual orientation, gender, gender identity, or gender expression of the Complainant or Respondent. Sexual Misconduct Violations include the following specifically defined forms of behavior: Sexual Assault, Sexual Exploitation, Relationship Violence, Stalking, Sexual or Gender-Based Harassment, Complicity, and Retaliation.<sup>2</sup>

### **A. Sexual Assault<sup>3</sup>**

Sexual assault consists of (1) Sexual Contact and/or (2) Sexual Intercourse that occurs without (3) Consent.

#### **1. Sexual contact is:**

- Any intentional sexual touching
- With any object or body part (as described below)
- Performed by a person upon another person.

Sexual Contact includes (a) intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching another with any of these body parts; and (b) making another touch you or themselves with or on any of these body parts.

#### **2. Sexual intercourse is:**

- Any penetration
- However slight
- With any object or body part (as described below)
- Performed by a person upon another person.

Sexual Intercourse includes (a) vaginal penetration by a penis, object, tongue, or finger; (b) anal penetration by a penis, object, tongue, or finger; and (c) any contact, no matter how slight, between the mouth of one person and the genitalia of another person.

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<sup>2</sup> These forms of Sexual Misconduct Violations are a subset of the behaviors prohibited for students under the Norms for Community Living in the Student Handbook.

<sup>3</sup> The College uses the term Sexual Assault to refer to a broad range of behavior. These behaviors may also meet the criteria for statutorily-defined terms in the penal code, including rape.

### 3. **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 Colleges 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. 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?”

One must not engage in sexual activity when either party has been drinking alcohol or using other drugs. 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.**

## **B. Sexual Exploitation**

Sexual Exploitation is purposely or knowingly doing any of the following:

- Causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give or deny Consent to sexual activity;
- Allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., Skype or live-streaming of images);
- Engaging in voyeurism (e.g., watching private sexual activity without the consent of the participants or viewing another person's intimate parts (including genitalia, groin, breasts or buttocks) in a place where that person would have a reasonable expectation of privacy);
- Recording or photographing private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without consent;
- Disseminating or posting images of private sexual activity and/or a person's intimate parts (including genitalia, groin, breasts or buttocks) without consent;
- Prostituting another person; or
- Exposing another person to a sexually transmitted infection or virus without the other's knowledge.

## **C. Relationship Violence<sup>4</sup>**

Relationship Violence, also referred to as Dating Violence, Domestic Violence or Intimate Partner Violence, includes any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual, dating, domestic or other intimate relationship with that person. The College will evaluate the existence of an intimate relationship based upon the Complainant's statement and taking into consideration the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Relationship Violence can encompass a broad range of behavior, including, but not limited to, physical, sexual or emotional violence and economic abuse in the form of threats, assault, property damage or other violence. Relationship Violence affects individuals of all genders, gender identities, gender expressions, and sexual orientation and does not discriminate by racial, social, or economic background. Relationship Violence may include any form of Sexual

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<sup>4</sup> Relationship Violence includes "dating violence" and "domestic violence" as defined by VAWA.

Misconduct Violation under this policy, including Sexual Assault, Stalking, and Physical Assault (as defined below).

Physical Assault is threatening or causing physical harm or engaging in other conduct that threatens or endangers the health or safety of any person. Physical Assault will be addressed under this policy if it involves Sexual or Gender-Based Harassment, Relationship Violence, or part of a course of conduct under the Stalking definition.

#### **D. Stalking**

Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear bodily injury or experience substantial emotional distress.

Course of conduct means two or more acts including but not limited to unwelcome acts in which the stalker directly, 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 mental suffering or anguish.

Stalking includes "cyber-stalking," a particular form of stalking in which a person uses electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.

Examples include but are not limited to:

- Following an individual in close proximity
- Repetitive verbal or written communications whether on paper or electronic
- Sending or posting unwelcome messages under another username

#### **E. Sexual or Gender-Based Harassment**

**Sexual Harassment** is any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when one or more of the following conditions outlined in (1) and/or (2), below, are present.

**Gender-Based Harassment** includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions outlined in (1) and/or (2), below, are present.

(1) Submission to or rejection of such conduct is either an explicit or implicit term or condition of an individual's employment, academic standing, evaluation of academic work or advancement in an academic program, or is used as the basis for College decisions affecting the individual (often referred to as "quid pro quo" or "this for that" harassment);

(2) Such conduct creates a hostile environment. A “hostile environment” exists when the conduct has the purpose or effect of unreasonably interfering with an individual’s learning, working, or living environment, or limiting or depriving an individual of the ability to participate in or benefit from the College’s educational program and/or activities. Conduct must be deemed severe, pervasive, or persistent as to create an intimidating, threatening, abusive, hostile, humiliating or sexually offensive learning, working, or living environment under both an objective (a reasonable person’s view) and subjective (the Complainant’s view) standard.

In evaluating whether a hostile environment exists, the College will consider the totality of the known circumstances, including, but not limited to:

- The frequency, nature and severity of the conduct;
- Whether the conduct was physically threatening;
- The effect of the conduct on the Complainant’s mental or emotional state;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Whether the conduct unreasonably interfered with the Complainant’s educational or work performance and/or College programs or activities; and
- Whether the conduct implicates concerns related to academic freedom or protected speech.<sup>5</sup>

A hostile environment can be created by persistent or pervasive conduct or, if sufficiently severe, by a single or isolated incident. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single incident of Sexual Assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression, standing alone, is typically not sufficient to constitute a hostile environment. In addition, conduct does not have to be directed at a particular person to constitute Sexual or Gender-based Harassment.

Examples of conduct that may constitute Sexual or Gender-Based Harassment include but are not limited to:

- Unwelcome sexual advances, whether they involve physical touching or not;

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<sup>5</sup> In making this evaluation, the College should carefully consider its obligation to protect and uphold academic freedom and freedom of speech. Title IX does not reach curriculum or in any way prohibit or abridge the use of particular textbooks or curricular materials. See 28 C.F.R. § 54.455; 34 C.F.R. § 106.42. Furthermore, OCR’s 2001 *Guidance* stated, “Title IX is intended to protect students from sex discrimination, not to regulate content of speech... [T]he offensiveness of a particular expression as perceived by some students, standing alone, is not a legally sufficient basis to establish a sexually hostile environment under Title IX.” Department of Education, Office for Civil Rights, *Revised Sexual Harassment Guidance* (2001) at 22. See also OCR Dear Colleague Letter on the First Amendment, July 28, 2003 (explaining that “OCR’s regulations should not be interpreted in ways that would lead to the suppression of protected speech on public or private campuses.”).

- Sexual innuendos, jokes, written or verbal references to sexual conduct, gossip regarding one's sex life, comments on an individual's body, discussion or inquiry about an individual's sexual orientation, gender identity, activity, deficiencies, or prowess;
- Displaying or circulating sexually suggestive objects, pictures, videos or cartoons, including via electronic communications;
- Bullying or hazing based on sex or gender:

Bullying is the repeated use by one or more people of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a another person that: (i) causes physical or emotional harm to the victim or damage to the victim's property; (ii) places the victim in reasonable fear of harm to self or of damage to personal property; (iii) creates a hostile environment at the College for the victim; (iv) infringes on the rights of the victim at the College; or (v) materially and substantially disrupts the education process or the orderly operation of the College.

Hazing is any conduct, including methods of initiation into student organizations, which willfully or recklessly endangers the physical or mental health of any person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any person, or which subjects the person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

#### **F. Complicity**

Complicity is any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of a Sexual Misconduct Violation by another person.

#### **G. Retaliation**

Retaliation means any adverse action taken against an individual for making a good faith report of a Sexual Misconduct Violation or participating in any investigation or proceeding under this policy. Retaliation includes threatening, intimidating, harassing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation may be present even where there is a finding of "no responsibility" on the allegations of a Sexual Misconduct Violation. Retaliation does not include good faith actions lawfully pursued in response to a report of a Sexual Misconduct Violation.

### **IX. VIOLATIONS OF LAW**

Behavior that violates this policy also may violate the laws of the local jurisdiction in which the incident occurred and subject a Respondent to criminal prosecution by the presiding authority.

Massachusetts General Laws describe prohibited Sex Offenses in chapters 265 and 272, and prohibited Stalking Offenses in Ch. 265 § 43 and Ch. 269 § 14A. Students and Employees studying, working, or engaging in other activities at locations outside of Massachusetts are governed by the applicable laws regarding sexual assault and other criminal offenses implicated by this policy. Behavior that violates this policy also may subject a Respondent to civil liability.

## **X. CONSENSUAL RELATIONSHIPS**

### **A. Discouraging Sexual or Romantic Relationships with Students**

Sexual behavior that is consensual by all involved parties does not constitute a Sexual Misconduct Violation. However, consensual sexual relationships in circumstances where one individual has power or authority over another may result in a violation of this policy, and/or may give rise to complaints by others of disparate treatment. Employees and Third Parties (contractors, vendors) should understand the possibilities for coercion in sexual relationships with Students with whom the Employees or Third Parties also have instructional, advisory or supervisory relationships. Even though a relationship may have been entirely consensual at its inception, a significant power differential exists when an Employee or Third Party has the authority to influence the employment or academic progress of the student. Students have a right to an academic, professional, and socially engaging community and such relationships undermine the likelihood of such a community by introducing the possibility or perception of favoritism, abuse of power, and conflict of interest, all of which compromise the ability of Employees and Third Parties to carry out their responsibilities to both Students and the College in support of our educational mission and consistent with principles of academic integrity.

For these reasons, the College strongly discourages consensual sexual or romantic relationships between Employees or Third Parties and Students, and such relationships are not allowed where an Employee or a Third Party has a professional evaluative, advisory, or supervisory responsibility with a Student. If such relationship currently exists, or has existed before any professional responsibility arose for the Employee or Third Party at Hampshire College, the Employee shall disclose the relationship to their immediate supervisor (staff), or to their School Dean (faculty), and Third Parties shall disclose to Human Resources. The College will protect privacy but reserves the right to share information with individuals who may have a need to know in order to ensure compliance with this policy.

Upon disclosure, the Employee or Third Party shall remove themselves from undertaking or continuing any professional responsibilities related to the Student, including but not limited to the Student's evaluation or supervision. The supervisor (staff), School Dean (faculty), or Human Resources (Third Parties), working together with the Title IX Coordinator, and, as needed, other offices necessary to consult in affecting changes, such as Human Resources, the Dean of Faculty Office, or the Center for Academic Support and Advising, will make the necessary alternative arrangements for the Employee or Third Party and the Student. Supervisors and School Deans will also work with their Division Head to assure that arrangements do not result in workload inequalities among Employees. The supervisor, School Dean, or Human Resources and the Employee or Third Party will develop a plan for periodically checking in on the status of this arrangement.

Employees and Third Parties shall take appropriate actions to minimize any actual or potential preferential or adverse consequences to the Student, or to other members of the College community resulting from any such sexual relationships. Generally, such disclosure will not result in a demotion nor adversely impact the Employee or Third Party in terms of condition of employment, benefits, or status, unless there are circumstances that support a finding of Sexual or Gender-Based Harassment. With respect to the Student, arrangements shall be made to prevent interference with, or deprivation of, any academic or professional opportunities.

## **B. Relationships Between Employees**

In cases where a consensual sexual or romantic relationship exists between Employees who hold unequal positions of authority, it is important that the person in the position of greater authority does not exercise any supervisory or evaluative function over the other person in the relationship. Accordingly, if this dynamic exists, the Employees in the relationship shall notify Human Resources to evaluate the situation and ensure that alternate supervisory or evaluative arrangements are put in place. The College will protect Employee privacy but reserves the right to share information with individuals who may have a need to know about the relationship in order to make alternative supervisory arrangements in compliance with this policy.

## **XI. PREVENTION AND AWARENESS PROGRAMS**

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 prevention and education programs for Students include:

- **Student Success™ Every Choice online bystander intervention program** is a required online training for all new students, orientation leaders, and resident advisors each fall. Student Success™ Every Choice 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. Contact Shannon Da Silva at [sdasilva@hampshire.edu](mailto:sdasilva@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 Shannon Da Silva at [sdasilva@hampshire.edu](mailto:sdasilva@hampshire.edu) for more information.
- **Green Dot Active Bystander Intervention Campaign at Hampshire College.** Green Dot is a three-tiered sexual assault prevention strategy that consists of social marketing, overview speeches, and daylong bystander intervention trainings for campus leaders. The goal of this program is to initiate cultural change so that the College has a campus that prioritizes taking care of its community members. In March 2014, thirteen professional Hampshire College staff members were trained to become certified Green Dot instructors and have been working as an implementation team since then. Student Life is rolling out this training module over the coming year to campus leaders, with the goal of expanding the movement across campus over time. Contact Shannon Da Silva at [sdasilva@hampshire.edu](mailto:sdasilva@hampshire.edu) for more information and to become involved.
- **The Sexperts** are a group of students who serve Hampshire's community as sexual health peer educators. They provide resources and facilitate trainings on sexual health, anatomy, communication, safety and safe sex, contraception, sexually-transmitted diseases, and sexual identities. See the Sexperts' Hampedia site at <https://hampedia.org/wiki/Sexperts> for more information.

Employee Training on sexual assault, relationship violence, and harassment, and College policies and procedures, is provided to new employees within three months of their start date. 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. Examples of prevention and education programs for Employees include:

- **Campus Sexual Violence Elimination (SaVE) Act Learning Program** is an online training offered by United Educators and required of all employees annually. The course reviews the Campus SaVE Act and how it affects faculty and staff, including recognizing and preventing specific types of sexual violence offenses, warning signs of abuse, bystander intervention, and what steps victims of sexual violence should take. Contact Diana Sutton-Fernández at [dfernandez@hampshire.edu](mailto:dfernandez@hampshire.edu) for more information.
- **Workplace Harassment Prevention: Learning Program for Higher Education** is an online training offered by United Educators and required of all supervisors annually. This course provides an overview of the law on harassment with an explanation of the legal environment surrounding workplace harassment, using real-life scenarios to engage faculty and staff in understanding the concepts. Contact Diana Sutton-Fernández at [dfernandez@hampshire.edu](mailto:dfernandez@hampshire.edu) for more information.



## **XII. RELATED POLICIES**

Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Students located in the Student Handbook <https://handbook.hampshire.edu/node/39>

Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Employees located in the Employee Policy Manual  
[https://www.hampshire.edu/sites/default/files/shared\\_files/policy\\_manual.4.11.pdf](https://www.hampshire.edu/sites/default/files/shared_files/policy_manual.4.11.pdf)

Faculty Handbook  
<https://intranet.hampshire.edu/files/faculty-handbook.pdf>

Student Code of Conduct, Norms, and Policies  
<https://handbook.hampshire.edu/node/43>