

United States Equal Employment Opportunity Commission (EEOC)  
John F. Kennedy Federal Building  
Government Center Room 475  
Boston, MA 02203-0506  
800.669.4000

Students may also bring complaints to:

Office for Civil Rights (OCR)  
United States Department of Education  
8th Floor  
5 Post Office Square  
Boston, MA 02109-3921  
617.289.0111  
OCR.Boston@ed.gov

### III. SEXUAL OFFENSE POLICY

A sexual offense is any unwanted sexualized conduct that occurs without consent.

Hampshire College takes sexual offenses very seriously, as they are a gross violation of the Code of Conduct and Community Norms, whether perpetrated by other students, faculty, staff, or visitors to the campus, and regardless of gender identity or sexual orientation.

All Hampshire 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. Hampshire College will make every effort to protect these rights, and will not tolerate any form of sexual offense.

Sexual offenses ordinarily are prohibited under state and federal laws and may be prosecuted in the criminal justice system, though legal definitions of a sexual offense may vary from the definitions of sexual offenses adopted by the Hampshire community. Pursuing campus resolution options does not preclude one from pursuing legal action now or in the future, and vice versa. Reporting a sexual offense to Campus Police does not mean this incident will need to go to court. Campus Police's certified sexual assault investigators will work with the survivor, and the survivor will have the right to select a process to take action or to seek a resolution.

Hampshire College is committed to creating a violence-free campus, developing and implementing violence-prevention strategies, and providing victim/survivors with support, services, and information about their options for taking action or seeking resolution. Hampshire encourages students to report offenses; a victim/survivor of sexual assault does not need to worry about facing charges for underage alcohol consumption when reporting an offense, as Hampshire's primary concern is maintaining students' safety.

Retaliating against any person who is participating in any complaint under this Policy is strictly prohibited and may result in discipline or sanctions, including suspension or termination (or expulsion, if a student).

## Definitions

### Consent

Hampshire College believes that all sexual activity should be consensual. Therefore, consent must be obtained prior to engaging in any sexual activity, and for each new sexual activity. Any sexual act that occurs without consent may be considered a sexual offense.

- It is the responsibility of the initiator to obtain consent. Through all students are encouraged to communicate openly about what they do and do not want, students will not be held responsible if they don't GIVE consent, whereas they may be held responsible for NOT GETTING consent. If the sexual interaction is mutually initiated, both parties are equally responsible for getting and giving consent.
- Consent is required for each separate sexual activity (i.e., kissing, touching, penetration). Any party has the right to give consent for specific activities and not others.
- Any party has the right to change their mind and withdraw consent at any time.
- Consent must be a free choice. A person cannot give consent if their ability to understand and give informed consent is impaired in any way. Consent is not valid if the person is under the influence of drugs or alcohol; is mentally impaired; is underage; or has experienced the explicit or implied use of force, coercion, threats and/or intimidation. The ability to give consent freely may also be jeopardized if the initiator is in a position of power over the student, such as a professor, employer, or possibly an intern or orientation leader.
- Silence does not equal consent.
- Ideally, consent is given verbally. However, consent can also be expressed (given or withdrawn) through body language. For example, active reciprocation could express consent; pushing someone away or moving away could express lack of consent.
- Body language and even verbal responses may be ambiguous. It may also be unclear who is responsible for getting consent and who is responsible for giving consent at any particular moment. If consent is unclear, there is a risk of committing a sexual offense. Consequently, when in doubt, each participant in the activity should stop and ASK.



## Sexual Offense

A sexual offense is any unwanted sexual conduct that occurs without consent. Sexual Offense includes the categories of sexual harassment, sexual assault, rape, and sexual misconduct.

### Sexual Harassment

Sexual harassment is a sexual offense involving any unwelcome sexual advance, request for sexual favor, or other conduct of a sexual nature that causes the recipient(s) to feel uncomfortable, sexually violated, threatened, or afraid of retaliation.

Conduct is considered sexual harassment when:

- Implicit or explicit threats or insinuations that submission to such conduct is a term or condition of employment or is a basis for education or employment decisions, and that refusal to submit to sexual advances will adversely affect an individual's status at the College.
- It has the purpose or effect of interfering with work or academic performance.
- It has the purpose or effect of creating an intimidating, hostile, humiliating, or sexually offensive educational, employment, or living environment.

Sexual harassment can be blatant or very subtle, and is defined by the experience of the recipient; that is, one person may experience sexually explicit jokes as amusing, whereas another may experience them as harassment. It is the responsibility of the recipient to make it clear that the conduct is unwelcome, so long as there are no factors that would inhibit free expression of this sentiment (such as a power imbalance in the relationship, threat, or intimidation, or if the conduct is judged to be egregious enough that it would offend most reasonable persons). This communication may be done verbally, in writing, or through another person (e.g., a house director, intern, advisor, or friend). Conduct will be considered sexual harassment if it meets the above criteria or continues after it has been made clear that it is unwelcome. Sexual harassment may include, but is not limited to:

- Demanding sexual favors
- Explicit discussion/description of sexual conduct and/or questions about another person's sexual conduct
- Sexually harassing communications
- Offensive sexual flirtations, innuendo, advances, or propositions
- Prolonged staring or leering
- Obscene gestures and sounds
- Verbal comments of a sexual nature about an individual's body or use of sexual terms to describe an individual

- Display of pictures, posters, cartoons, videos, or any other media that the viewer finds offensive or sexually suggestive
- Unwelcome sexual jokes or language
- Indecent exposure
- Sexual photographing/videotaping without consent
- Publicizing sexualized information about someone (e.g., spreading rumors/gossip of a sexual nature, writing on doors, in bathrooms, posting sexual information about another individual on Facebook, MySpace, blogs, LiveJournal)
- Stalking (e.g., continued unwelcome contact, attempts at communication, gifts, intrusiveness into daily routines and/or relationships)

Some of these actions may violate other Community Norms and/or violate the law.

### Sexual Assault

Any unwanted physical contact that occurs within a sexual context, without consent, may constitute a sexual assault. Sexual assault could include, but is not limited to, the following conduct when such conduct is unwelcome:

- Kissing
- Fondling
- Rubbing against another individual
- Biting, pinching, slapping within a sexual context
- Undressing another individual
- Use of force within a sexual context (hitting, kicking, grabbing, holding down)

### Rape

A sexual offense may be considered rape when unwanted penetration occurs without consent. Penetration may be of the vagina, anus, or mouth, using a part of the body (e.g., penis, finger[s]) or an object.

### Sexual Misconduct

Behavior may be considered sexual misconduct when ALL of the below criteria can be established:

- It does not fit any of the above categories.
- It is clearly inappropriate and unacceptable.
- It has an identifiable negative impact on an individual, group, or the community.
- The average person could be reasonably expected to have knowledge that such behavior(s) would cause offense or harm.



Examples of sexual misconduct include, but are not limited to:

- Sexually derogatory posters, graffiti, pornography in public spaces
- Public exposure or indecency that is not targeted at a specific individual
- Conduct that has the purpose or effect of creating an intimidating, hostile, humiliating, or sexually offensive educational, employment, or living environment that is not targeted at a specific individual.
- A sexual interaction in which consent cannot be determined, but the initiator could be reasonably expected to have known that the interaction was unwanted and unwelcome.

## In the Event of a Sexual Offense

Despite our best efforts to maintain safety in the community, sexual offenses still occur. There are a number of resources available to help you get the support, information, and services that you need. If you are unsure of where to go, whom to call, or what steps to take, you may confidentially contact the Sexual Offense Services (SOS) Coordinator, Jessica Gifford, at x5743, who can help guide you through the process.

Anyone can utilize these resources and make a report; it is appropriate to use these resources if you:

- Are a Hampshire student and experienced a sexual offense on or off campus
- Are not a Hampshire student, but you experienced, or are aware of, a sexual offense that involved a member of the Hampshire community or occurred on the Hampshire campus
- Want information, support, or referrals regarding sexual assault, whether it is for yourself or for someone else

## Reporting, Support, and Resources

There are a variety of ways to report a sexual offense, from leaving a message on the Anonymous Reporting Line to filing a police report, and different types of reports are responded to in different ways. All reports in a given calendar year will be compiled and the number of assaults that occurred will be posted the following year on the Campus Police website in the annual Clery Report of crime statistics. A report of a sexual offense is not the same as filing a complaint. Please see the procedures in this section describing procedures for filing an informal or formal complaint of a violation of the Sexual Offense Policy.

The College will investigate all sexual offense reports and take whatever steps possible to end reported harassment and assault and eliminate a hostile environment. This response is required by Title IX regulations to address gender discrimination, which means that if you

talk to any employee that doesn't have confidentiality status about a sexual offense that occurred while you were a student, they may be obligated to pass this information on to the Title IX Coordinator, who will contact you to initiate an investigation.

The College will endeavor to protect the confidentiality of the parties involved, and will respect the wishes of the victim/survivor to the extent possible without impeding the investigation and/or the ability to end harassment and eliminate a hostile environment. All parties have the right to decline to participate in the investigation at any time, with the understanding that the College will only be able to take action on the information available.

If you would like to report a sexual offense but do not want the College to investigate or take any further action at the time, you may report to the resources that are identified as anonymous or confidential reporting options. These are the sexual offense services coordinator, Health and Counseling Services, and the director of spiritual life. Confidential resources have the primary mission of addressing the needs of the individual who is reporting, rather than the community as a whole, and have been granted certain confidentiality privileges to facilitate this. Thus, individuals may speak with these resources openly without concern of initiating an investigation, so long as there is no immediate threat to safety.

## Who Can Report?

Anyone can report a sexual offense regardless of whether it happened to you or someone else. In fact, we encourage you to bring any safety concerns, suspicions or knowledge of a sexual offense to our attention. Please review the following reporting options to determine to whom it would be most appropriate to speak.

## Reporting Options:

### Sexual Offense Crisis Line (Confidential)

x5527

Hampshire College 24-hour confidential support crisis line staffed by a trained professional who can provide confidential support.

### Sexual Offense Services (SOS) Coordinator (Confidential)

The Wellness Center and Sexual Offense Services  
x5743  
Jessica Gifford, [jgifford@hampshire.edu](mailto:jgifford@hampshire.edu)

The SOS coordinator is a trained professional who can provide confidential support, information and advocacy. The SOS coordinator can help you understand the options available and determine what is best



for you. If you choose to pursue an investigation and hearing or legal proceedings, the SOS coordinator can advise and support you through this process. If you are unsure of the options available or what you want to do and need information and support, contact the SOS coordinator.

### Title IX Deputy Coordinator

x5412

Renee Freedman, rfreedman@hampshire.edu

The Title IX Deputy Coordinator is responsible for receiving and investigating formal and informal complaints of sexual offenses at the College and for ensuring that the College investigates and responds to sexual offense complaints in a thorough and timely manner. The Title IX Deputy Coordinator is also responsible for providing education and training about sexual offenses to the College community. The Title IX Coordinator can facilitate a change in housing, a “no contact” agreement, and academic or other accommodations as deemed necessary. If you want to proceed with an investigation and complaint resolution process, contact the Title IX Coordinator.

### Hampshire College Campus Police

x5424

Emergency x1911

The Campus Police are able to respond and intervene in dangerous or potentially dangerous situations, including an assault. You are encouraged to call if you have any safety concerns or simply feel uncomfortable with a situation. Campus Police also has the authority to “trespass” an individual (i.e. ban them from campus) if that person is not a Hampshire community member and has been deemed to pose a risk to the community or individual community members.

You may file a police report with Campus Police, which will provide legal documentation if you decide to prosecute in the future. You may file a police report at any time, though the evidence is likely to be stronger the sooner you do so after the offense. Filing a police report does not mean that legal action will be taken. The Campus Police will pass on all sexual offense reports to the Title IX Coordinator, who will oversee the campus investigation. If you are in an unsafe situation or would like to file a police report, contact Campus Police.

### Director of Spiritual Life (Confidential)

x5282

### Anonymous Reporting Line (Anonymous)

x5756

To make an anonymous report, follow the instructions given on the outgoing message. The purpose of this line is to maintain accurate records of sexual offenses that occur on campus, to be used in prevention and awareness efforts and included in annual reports of crime statistics. Calls on this line will be checked regularly but will not be responded to. If you want to inform the College that an offense occurred, but do not want any response, call the anonymous reporting line. The College may initiate an investigation of a matter based on information left on the anonymous reporting line although that investigation will be limited if there is little or no identifying information provided.

### Health and Counseling Services (Confidential)

x5458

Health and Counseling Services offers professional medical and mental health (counseling) services at no charge to students. Medical services include attending to injuries and discussing and providing emergency contraception and STI prophylaxis if there is a risk of pregnancy or of contracting an STI. If you want medical or counseling services, contact Health and Counseling Services.

### Off-Campus Support and Referrals

The Everywoman’s Center (Confidential)

1.888.337.0800

[www.umass.edu/ewc](http://www.umass.edu/ewc)

The Everywoman’s Center offers sexual assault and relationship violence services to the Five Colleges and the greater community. It has a year-round, 24-hour hotline, and offers individual counseling and support groups. The Everywoman’s Center services are available to people of all genders.

### Filing a Complaint and Other Options for Resolution

To discuss your options confidentially and get more information before making a decision, you may speak to the SOS Coordinator, Jessica Gifford, at x5743.



## Legal Action

Sexual offenses are against the law (though legal definitions vary from the definitions laid out in this Policy) and you may choose to legally prosecute and/or seek legal protection through a restraining order or campus trespass order. Even if you do not want to pursue legal resolution at this time, or are unsure, you may want to consider the following:

- The SANE (sexual assault nurse exam): Victim/survivors who are considering filing criminal charges, or who want to keep their options open in the future, are advised to get a SANE exam to collect medical evidence. The exam can be completed for up to five days after the assault, but it is best to collect evidence as soon after the assault as possible. The exam is free of charge, is completely confidential, and is available at University Health Services (UHS) at University of Massachusetts Amherst when they are open, or at The Cooley Dickinson Hospital in Northampton after hours. If you have questions about the services at UHS, please call 577.5000 and ask to speak to the triage nurse. Even if you decide not to have the exam, it is advisable to seek medical attention, especially if penetration, bruising, or injury occurred, so you can receive care and medication to prevent pregnancy or STIs.
- File a police report with Campus Police or at the police station.
- **The District Attorney's Office (586.5780):** The DA's office can help you prosecute and connect you with a Victim's Advocate.

## Campus Action

Victim/survivors may choose to pursue campus action, either in addition to or instead of legal action. A victim/survivor may seek campus action at any time, as long as both they and the offender are still members of the Hampshire community. However, if a report of an incident or a request for action is first made later than 14 weeks after the incident has occurred, the ability to conduct a comprehensive investigation may be limited by the passage of time. If the claimed offender is a faculty or staff member, the investigation and any subsequent actions will be carried out by Human Resources and the complainant will be informed of the findings. You may contact the following individuals to help walk you through the process of making a complaint:

- SOS Coordinator, Jessica Gifford (x5743)
- Title IX Deputy Coordinator, Renee Freedman (x5412)

If the offender is a student from another of the Five College campuses, disciplinary action may be pursued on the offender's campus. The SOS coordinator can help you navigate this process.

When the offender is a Hampshire student, the following options are available to victim/survivors:

## Formal Processes

### Investigation and Determination of any Policy Violation, and Sanctions

All sexual offense reports received by the College will be investigated in a timely and impartial manner, normally 60 days absent extenuating circumstances. If there is enough evidence to determine that a policy violation has occurred, a review panel will decide upon the appropriate sanctions based on the report resulting from the investigation and supporting documentation. You may speak directly to the Title IX Coordinator (x5412) to file a complaint and begin the investigation process. If you report a sexual offense to any Hampshire employee who does not have confidentiality status, including House interns, this information will be passed on to the Title IX Coordinator, who will contact you to initiate an investigation. The College will respect the privacy of the complainant, respondent, and witnesses, to the extent permitted by federal, state, and local laws. The College reserves the right to investigate and resolve a complaint or report of a sexual offense regardless of whether the complainant ultimately desires the College to pursue the complaint.

In the investigation, the report resulting from the investigation, and the review and determinations by the review panel, the victim/survivor is referred to as the "complainant" and the student the complaint is being brought against is the "respondent."

As noted above, any complaints or appeals relating to a violation of the Sexual Offense Policy and other violations of Norms for Community Living or the Code of Conduct that are alleged to have occurred as part of the same circumstances as the Sexual Offense Policy complaint shall proceed in accordance with this Chapter.

### Advisor

Both parties may choose an advisor to support and counsel them throughout the investigation. The advisor may be invited by the student advisee to attend meetings and the investigation interviews with the advisee. Trained advisors include the SOS coordinator (for complainants) and members of the dean of students office. However, you may request any member of the Hampshire community to be your advisor.

### Meeting with the Title IX Deputy Coordinator

The Title IX Deputy Coordinator will have an initial meeting with the complainant and will file a formal complaint based on what occurred. The Title IX Deputy Coordinator will explain the investigation and hearing process, and inform the complainant of the resources available to them. Any concerns the complainant may have about safety, housing or academics will also be addressed at this meeting. The Title IX Deputy Coordinator may take interim measures to physically separate the complainant and the respondent, including but not limited to relocating the respondent, or removing them from shared



classes until the investigation and hearing are complete. Both parties may be asked to sign a “No Contact Agreement,” which would outline specific terms, such as not to speak, write or otherwise communicate with each other and to avoid physical spaces the other is in.

The Title IX Deputy Coordinator will then meet with the respondent to inform them of the complaint, and review the same information outlined above. The Title IX Deputy Coordinator will also stress that any form of retaliation will be dealt with promptly and may have serious consequences. Any concerns the respondent may have about safety, housing or academics will also be addressed at this meeting. The case will then be assigned to a team of investigators.

### Investigation

**First Meeting:** Two trained investigators from the dean of students office will meet individually with all parties involved to learn what occurred. One investigator will take the lead in asking questions, while the other will primarily be responsible for recording information. Each party will be asked to recall what happened in as much detail as possible to determine whether a violation of the Sexual Offense Policy occurred. This is often based on communication, or lack of communication about consent. Both the complainant and respondent will be asked if there are any witnesses who may be able to corroborate some portion of what occurred or the impact it has had. Each witness will be interviewed individually.

**Second Meeting:** The complainant and respondent will each be given the opportunity to read the other’s statement, including investigators’ summaries of witness statements, and respond to what was said or ask the investigator to ask further questions of the other.

**Third Meeting:** The investigators will take the response and/or questions back to the original party to address.

The investigators will write a report, to be shared with both parties, summarizing the key points from all of the interviews including witness statements. If there is enough evidence to suggest that a violation of the Sexual Offense Policy occurred, then the case will be referred to a review panel for consideration. The review panel will consider not only complaints of violation of the Sexual Offense Policy, but also other violations of Norms of Community Living or the Code of Conduct that are alleged to have occurred as part of the same circumstances as the Sexual Offense Policy complaint.

### Review Panel

The review panel is made up of a student, a staff and a faculty member who have been trained as part of the Community Review Board. The panel reads the investigation report, and may ask further clarifying questions of the complainant, respondent and witnesses by means of written request to the investigators who will submit the question

to the appropriate person. A copy of any questions requested by the panel and responses to the questions shall be provided to both the complainant and the respondent. Both the complainant and respondent may write a statement outlining their understanding of what occurred, the impact it has had on them, and what they would like to see in terms of sanctioning outcomes, and submit that to the review panel for consideration. The review panel will then determine whether the respondent is responsible for violating the Sexual Offense Policy following its consideration of the investigation report and any additional written materials submitted by the complainant or respondent, including responses to questions raised by the panel, and make recommendations for appropriate sanctions. The review panel’s determinations and recommendation as to sanctions (that shall be based on a preponderance of the evidence) shall be submitted to the dean of students within three business days after the panel has completed its review. The dean of students shall consider the recommendation of the review panel and make a determination either to uphold or revise the recommended sanctions.

The decision of the dean of students may be appealed to the President in the same manner as appeals from decisions of matters heard by the Community Review Board.

### External Resources

In addition to filing a complaint with the College, a formal complaint involving a sexual offense may be filed with:

Office for Civil Rights (OCR)  
United States Department of Education  
8th Floor  
5 Post Office Square  
Boston, MA 02109-3921  
617.289.0111  
OCR.Boston@ed.gov

## IV. HAZING POLICY

Pursuant with Massachusetts General Law, Chapter 269, Sections 17, 18, and 19, the College prohibits hazing. Hazing is defined as any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or admission into or affiliation with any organization operating under sanction of a college. Hazing shall include, but not be limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of food, liquor, drugs, or other substance, or any other forced physical activity, that could adversely affect the physical health or safety of the individual. Hazing shall also include any activity that could subject the individual to extreme mental stress, such as sleep deprivation,





forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or any other forced activity that adversely affects the mental health or dignity of the individual. Any of these activities upon which the initiation or admission into, or affiliation with, a college organization is directly or indirectly conditioned shall be presumed to be a forced activity, the willingness of an individual to participate in such activity notwithstanding.

Any activity organized by a student group or members of a student group that involves a member in practices that are injurious or potentially injurious to an individual's physical, emotional, or psychological well-being (as determined at the sole discretion of the College) shall be cause for disciplinary action. It shall not matter whether such practices were mandatory or voluntarily entered into by any of the student group members in question, including new and initiated members.

## V. ALCOHOL AND DRUG POLICY

### Position Statement

Hampshire's Alcohol and Drug Policy is guided by three primary concerns: the health and safety of all community members; upholding state and federal laws; and promoting positive Hampshire values, such as awareness and respect for self and others, accountability, and informed decision making. In Massachusetts the drinking age is 21 and marijuana has been decriminalized, not legalized.

Hampshire is committed to providing support and assistance to students struggling with issues related to alcohol or other drug use. Students who come forward to actively seek help when they are concerned about their own use or that of their friends and/or acquaintances will not face disciplinary action for drug or alcohol use. Students will still be expected to work with the College to develop a plan to address these issues, and to take responsibility for any negative impact their behaviors have had on others or the environment (e.g., property damage, noise complaints, medical transports). Both on- and off-campus support and informational resources are listed at the end of this Policy for students seeking help for substance-use issues. Drug or alcohol use shall not excuse a student from responsibility for violations of the Code of Conduct.

Hampshire's Alcohol and Drug Policy recognizes that substance use is a complex topic that needs to be addressed honestly and realistically, and not dichotomized into "abstinence-only" vs. "unlimited freedom" (without responsibility), and in the context of productive community dialogue about drug- and alcohol-related issues. The Alcohol and Drug Policy responds to past and current surveys and dialogues, including focus group discussions, and seeks to address issues and promote the following values and practices:

- Moderation, safety, and individual accountability for those students over 21 who choose to drink
- A safe, comfortable, and enjoyable social environment that is free from pressure for those students who choose not to drink
- Support and assistance for all students who are concerned about their own alcohol or drug use, or that of their friends
- Opportunity to take responsibility and make reparations for any negative consequences of drug or alcohol use, in place of disciplinary action
- Information and education for all students to encourage responsible and informed decision making
- Information on confidential resources, to encourage students to seek help for themselves and their friends
- The involvement of community members to help alleviate the problems associated with alcohol and drug use (these include addiction, hospital transports due to excessive drinking and drug use, sexual assaults, damage to property, noise problems, concern for friends, and unpleasant living environment)
- Adherence to all pertinent town, state, and federal regulations and laws

### What Does It Mean to Be Moderate, Safe, and Responsible?

For students who choose to drink, it is important to be aware of how alcohol affects you, as everyone has a different tolerance level and responds differently to varying amounts or types of alcohol. A good general guideline to follow is to consume one drink or less per hour, which in many people maintains BAC (blood alcohol content) at around 0.05, although individuals may experience higher or lower BAC depending on their weight, eating habits, etc. At this level, you may experience a "buzz" while also avoiding many of the more negative effects of alcohol consumption. Other suggestions for drinking safely are:

- Eat before you drink.
- Stay hydrated (with water).
- Set a limit for yourself ahead of time.
- Watch out for your friends and ask them to watch out for you.
- Have a designated driver, a place to stay, or a plan to get home (if applicable).

### When Drinking May Be a Concern...

Using substances can be social and enjoyable for some people, but it can also become problematic for others and/or have a negative impact on those around them. If you have questions or concerns about your own drinking or drug use, or someone else's, you are encouraged to seek confidential assistance from Health and Counseling Services

