

## 2018-19 HSMB Report

The Harassment and Sexual Misconduct Board (HSMB) is charged with responding promptly and thoroughly to formal complaints of sexual misconduct, dating violence, stalking, discrimination, harassment, and/or related retaliatory behavior. The Sexual Misconduct Policy and the Harassment and Discrimination Policy may be found on the HSMB webpage (<https://www.hamilton.edu/offices/hsmb>). The HSMB webpage also contains additional information and important resources.

The following is a summary of the Board's activities as well as reports made to the Title IX Coordinator during the prior academic year:

The Title IX Coordinator received 54 reports\* of potential violations under the College's Sexual Misconduct Policy. In three instances, the potential complainant stated that they had previously reported the potential violation to the College.

After being advised of their options, including contacting law enforcement, eight of the reporting individuals elected to pursue complaints through Hamilton's formal resolution process. The outcomes of the complaints\*\* are as follows:

- Student was found not responsible for Non-Consensual Sexual Act
- Student was found not responsible for Retaliation
- Student was found responsible for Non-Consensual Sexual Act and was expelled
- Student was found not responsible for Non-Consensual Sexual Act
- Student was found responsible for Non-Consensual Sexual Contact and was expelled
- Student was found responsible for Sexual Harassment and was expelled
- Employee was charged with Sexual Harassment and the investigation is in progress
- Employee was charged with Retaliation and the investigation is in progress
- Student was found not responsible for a Non-Consensual Sexual Act
- Student was found responsible for a Non-Consensual Sexual Act and was expelled
- Student was found responsible for Sexual Exploitation and conferral of their degree was deferred
- Student was found not responsible for Sexual Harassment
- Student was found responsible for Sexual Exploitation and conferral of their degree was deferred
- Student was found not responsible for Sexual Harassment
- Student was found not responsible for Stalking
- Student was found not responsible for Stalking
- Student was charged with Retaliation and the investigation is in progress
- Student was charged with Retaliation and the investigation is in progress

In one instance in which the complainant did not request to pursue a complaint through Hamilton's formal resolution process, the College was required to pursue an investigation because the allegation was of sexual harassment in the workplace. The College was unable to complete the investigation because the potential respondents are unknown.

Below is the list of actions taken for the remaining 35 reports:

- In twenty-eight of the reports of potential policy violations, the accused was not contacted, at the request of the reporting individual and/or due to lack of information.
  - For three of these potential violations, initially reported by third parties or anonymous reporting options, the potentially affected community member was not identified to the Title IX Coordinator.
  - For twenty of these potential violations, the reporting individual requested support services organized by the Title IX Coordinator and/or information about the options available on and off campus, but did not seek further action at that time.
- In seven of the reports of potential policy violations, the accused was notified of the allegations, at the request of the reporting individual.
  - For two of these reports of potential policy violations, it was determined that the reported behaviors were covered in a different College policy or procedure. The Title IX Coordinator ensured that the reporting individual was in contact with the relevant College official.
  - For five of these reports of potential policy violations, the Title IX Coordinator, Associate Vice President for Student Affairs, and/or Campus Safety met with the accused to issue a no contact order and/or notify the accused of the accusations, at the request of the reporting individual.

In addition, the Title IX Coordinator received 11 reports of behavior that may have fallen under the Harassment and Discrimination Policy.

- In four of the reports of a potential policy violation, the reporting individual requested support services organized by the Title IX Coordinator and/or information about the options available on and off campus, but did not seek further action at that time.

After being advised of their options, four of the reporting individuals elected to pursue complaints through Hamilton's formal resolution process. The outcomes of the complaints\*\* are as follows:

- Employee was found not responsible for Harassment
- Employee was found not responsible for Harassment

- Employee was found not responsible for Harassment
- Employee was found not responsible for Harassment
- Investigation was terminated at the request of the Complainant

\*Please note that each report of a potential violation of the policy is counted separately. For example, a report with two complainants and one respondent is counted as two reports. Likewise, a report with multiple respondents is counted multiple times.

\*\*Please note that each action taken for each potential violation of the policy is counted as an outcome of a complaint. For example, an allegation that a single respondent carried out two different violations of the policy would result in two outcomes of a complaint.

If any member of the Hamilton community has questions or concerns about the College's policies regarding sexual misconduct, dating violence, stalking, harassment, discrimination, or related retaliatory behaviors, or if anyone wishes to report a specific incident, please contact us.

Sincerely,

Catherine Berryman, Director of Community Standards

Stephen Orvis, Chair of the Harassment and Sexual Misconduct Board