Department of Campus Safety

2014
Annual Safety, Security and Fire Safety Report
Department of Campus Safety

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Director

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Assistant Director

Michael R. Jones
Assistant Director

Paul E. Colburn
Investigator

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EMERGENCY: (315) 859-4000
Non-Emergency: (315) 859-4141
http://www.hamilton.edu/college/safety
Message from the Director of Campus Safety

Hamilton College attracts the nation’s most talented students and scholars. College Hill is truly a special place, yet in today’s society, the Hamilton College Campus Safety Department faces the same challenges as other schools across the country. Campus Safety is committed to providing a safe and secure learning and working environment for every student, faculty member, staff and visitor to Hamilton. Safety and well-being is our highest priority and my primary concern.

Campus Safety’s dedicated and experienced staff is ready to assist the Hamilton community at all times. The security of our campus is a joint effort that involves us all. Your thoughts and ideas are important to the continuous advancement of our safe learning, working and living environment. By cooperating with each other, exercising good judgment and using basic crime prevention safety measures we can all be assured of the safest possible experience.

This handbook is designed to inform the Hamilton community of the programs and services Campus Safety will provide. In 1990, Congress enacted the Crime Awareness and Campus Security Act of 1990 (Title II of public Law 101-542), which amended the Higher Education Act of 1965 (HEA). This act required all postsecondary institutions participating in HEA’s Title IV student financial assistance programs to disclose campus crime statistics and security information. It is generally referred to as the Clery Act. We also hope it will influence and encourage safe behavior and inspire and invite others to partner with us in our mission to reduce criminal activity on and near our campus. The procedures for preparing the annual disclosure of crime statistics including reporting statistics to the campus community are obtained from the following sources: Campus Safety, law enforcement, and non-police officials. For statistical purposes, crime statistics reporting to any of these sources are recorded in the calendar year the crime was reported. In addition, a written request for statistical information is made on an annual basis to all campus security authorities.

All statistics gathered are compiled and reported to the campus community via this report, published by Campus Safety. Campus Safety submits the annual crime statistics published in this report to the Department of Education. The statistical information obtained by the Department of Education is available to the public through the DoE website.

Cooperation is critical to the success of our mission. I ask all members of the Hamilton community to make responsible choices, discourage careless behavior, and to promptly report any suspicious activity. It is my pleasure to work with everyone collaboratively as we strive to achieve our goals.

Francis A. Manfredo
Director of Campus Safety
Campus Safety: Educators and Protectors

The Department of Campus Safety is dedicated to providing the highest quality of public safety services to the college community in support of the College’s academic mission.

Every encounter between a Hamilton community member and a Campus Safety officer is an educational opportunity. We strive to make all encounters positive, but confrontations are inevitable. By explaining the nature of campus policies and referring infractions to College administrators for follow-up discussions, Campus Safety officers attempt to make confrontations beneficial.

Campus Safety officers derive their authority from Article 7-A of the New York State General Business Law. Our personnel are officials of the College with specific responsibilities for safety, security and traffic control enforcement. Officers completing The Enhanced Security Officer Training Course also derive limited law enforcement authority from Article 129-A, sub-section 6435 of the New York State Education Law. Enhanced officers are authorized by state law to make arrests. Campus Safety officer’s jurisdiction is confined to the geographical boundaries of all properties owned by Hamilton College. The officers of the Department work closely with the Town of Kirkland Police Department in criminal cases and situations where arrests may be warranted.

The Department takes pride in its strong working relationship with the Town of Kirkland Police Department, as well as state and federal law enforcement agencies. We communicate directly with each other and cooperate in many investigations.

<table>
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<tr>
<th>Contacting Campus Safety</th>
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<tbody>
<tr>
<td><strong>EMERGENCY:</strong> 315-859-4000 (x4000)</td>
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<tr>
<td><strong>Non-Emergency:</strong> 315-859-4141 (x4141), <a href="mailto:safety@hamilton.edu">safety@hamilton.edu</a></td>
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<tr>
<td>Anonymous reporting by voicemail, text or e-mail message - Tipnow (315) 282-5426</td>
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<tr>
<td>Directory Assistance: 315-859-4444 (x4444)</td>
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The Department of Campus Safety is located in the ranch-style building south of Dunham Residence Hall. The office is open daily from 7:00 a.m. – 11:00 p.m. At all other times, the communications center on the first floor of Bristol Campus Center is open. Campus Safety personnel are always on duty, 24 hours per day.

This handbook is produced in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. It outlines the Department’s services and resources that are available to everyone on College Hill. Hamilton College’s crime stats are made available electronically on the Campus Safety webpage and in written form upon request.

Campus Security Authorities

Campus officials that have a significant responsibility for student and campus activities are considered to be Campus Security Authorities as defined by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998. The following list denotes the Campus Security Authorities for Hamilton College:

- Dean of Students Office
- Residential Life Office
- Resident Advisors
- Student Activities Office
- Advisors to Student Organizations
- Athletic Directors and Team Coaches
• Department of Campus Safety
• Contract Security of any Campus Office

Clery Policy Statement Addressing Counselors

Campus “Pastoral Counselors” and Campus “Professional Counselors”, when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary (not confidential) basis for inclusion into the annual crime statistics. Counselors are defined as:

• Pastoral Counselor is an employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as pastoral counselor.
• Professional Counselor is an employee of an institution whose official responsibilities including providing psychological counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification.

Campus Safety Leadership

Francis A. Manfredo, Director of Campus Safety
Fran Manfredo was appointed to the position of Director of Campus Safety in July, 2008. Director Manfredo joins the Hamilton community after completing over 23 years of service with the City of Utica Fire Department, retiring at the rank of Assistant Chief. During his service to the residents of the City of Utica, Fran has served in many capacities including the supervision of the day to day operational and administrative needs of a 129 member department.

In addition to his extensive background in the Fire Service, Director Manfredo is a graduate of the New York State Police Academy and completed a 20 year career in law enforcement with the New York State Police and New Hartford Police Department. He has served as a Patrol Officer, Juvenile Officer and School Resource Officer, which provided him with specialized training into the unique needs of a campus community.

Director Manfredo earned Associates Degrees in Liberal Arts and Criminal Justice from Mohawk Valley Community College and a Bachelor Degree from Empire State College in Fire Service Administration and Emergency Management and a Master's degree in Public Administration from Marist College. Fran is also a graduate of the National Fire Academy’s Executive Fire Officer Program and holds numerous certifications from the New York State Emergency Management Office, U.S. Department of Homeland Security and FEMA.

Wayne A. Gentile, Jr., Assistant Director
Following his service in the United States Marine Corps, Supervisor Gentile returned to Central New York and began serving Hamilton as a patrol officer in 1999. Wayne was appointed as an administrator in 2001 with the title of Evening Supervisor and was then appointed to the title of Assistant Director in 2002. He served in that capacity until assuming his current position in August of 2007. He is a graduate of the New York State Phase I Basic Course for Police Officers held at Cazenovia College. Supervisor Gentile is responsible for evening shift operations in the Campus Safety Department as well as Cleary Act compliance and serves as our liaison to the Office of Residential Life. He earned an Associate Degree in Criminal Justice from Mohawk Valley Community College and has also completed specialized training in crime scene investigation, women's self-defense instruction, and is one of our training instructors. Wayne is a member of the Northeast Colleges and Universities Security Association.
Michael R. Jones, Assistant Director
Supervisor Jones joined the Department of Campus Safety as a patrol officer in 2000 and was promoted to the position of Patrol Supervisor in January of 2007. He served in that capacity until assuming his current position in August of 2007. He is a graduate of the New York State Basic Course for Police Officers and has extensive experience in law enforcement from his prior service as a New York State Park Police Officer and Town of Kirkland Police Officer. Mike has advanced training in DWI and Traffic Enforcement. Supervisor Jones is responsible for night shift operations in the Campus Safety Department as well as community service programming, administration of our bicycle patrol unit and also serves as the department Quartermaster. Mike is a member of the Northeast Colleges and Universities Security Association.

Paul Colburn, Investigator
Investigator Colburn was appointed to the position of Campus Safety Investigator in August 2011. Paul joins Hamilton College after completing 20 years of service with the New Hartford Police Department retiring at the rank of Sergeant. Paul is a graduate of the Mohawk Valley Police Academy and earned an associate degree in Business Management from Mohawk Valley Community College. In addition, Paul is a level 2 Fire Investigator, certified defensive tactics and general topics police instructor and holds certifications in crime scene investigation and evidence collection. Paul will be responsible investigating all serious incidents occurring on campus.

Security Awareness Programs Education and Outreach
The Department of Campus Safety promotes personal safety and responsibility and proactively deters crime on campus through the following campus outreach programs.

Rape Aggression Defense
This nationally-recognized basic self-defense class for women is offered through the Department of Campus Safety in collaboration with the Office of the President and the Harassment Grievance Board. Participants learn physical techniques for defending themselves against aggressors and participate in the culminating simulation experience where they can apply and hone their skills. This twelve-hour course is typically offered once or twice per year. While enrollment preference is given to students, all Hamilton women are able to participate in this program free of charge.

Basic Self-Defense
This class is offered to both men and women, and participants learn the same physical techniques as RAD for defending themselves against aggressors and participate in the culminating simulation experience where they can apply and hone their skills. This twelve-hour course is typically offered twice per year.

Fatal Vision
Using unique and specialized eyewear, Campus Safety instructors are able to simulate the disabling effects of alcohol consumption for student participants in this program. The students are asked to complete simple tasks while wearing the specialized eyewear that simulate varying levels of intoxication. This very popular program lasts about one hour and is offered in Hamilton’s residence halls in cooperation with the Department of Residential Life and their staff of Resident Advisors (RAs). This program is offered at the beginning of the fall semester for presentation to all students. In addition, Fatal Vision can be presented at anytime, throughout the class year, for any community member interested in the program.

During the 2012-2013 academic year Hamilton College offered four security awareness programs to the campus community. The common theme throughout these programs is to encourage students and employees to be responsible for their own safety and security as well as the safety and security of others.
Crime Prevention and Fire Safety

Campus Safety officers are available to assist RAs with residence hall programming about personal safety issues and fire hazards. These programs are also offered in non-residential settings and are available to any member of the community. These programs are typically offered at the beginning of the fall semester but are available for presentation to any community member throughout the school year.

In addition to offering programs, the Department of Campus Safety takes an active role in assisting with the fire safety and inspection programs mandated by the State of New York. These mandates include performing fire drills, performing fire inspections of all college owned property, and actively monitoring conditions to prevent any potentially dangerous conditions that could lead to a fire.

The State of New York requires that four fire drills be performed, in every college owned building that is used as a residence hall, during the course of the school year. This is divided so that two drills are performed in the fall semester and two drills are performed in the spring semester. The drills are designed to give the building’s occupants a sense of familiarity with procedures in the event of a real fire or emergency.

Academic and Administrative buildings have three fire drills, per year, performed to assist the occupants with gaining familiarity with emergency procedures. These fire drills are spread out over the course of the academic year.

Reporting Emergencies, Crimes and Policy Violations (x4141 non-emergency, x4000 emergency)

Despite Campus Safety’s best efforts, crimes and policy violations do occur on College Hill. Community members should promptly report all crimes, emergencies, policy violations, and any suspicious behavior that they witness. Campus Safety will investigate all reports and activate the appropriate College judicial procedures. A dispatcher is always on duty to answer calls from concerned members of the Hamilton community. Campus Safety is ready to respond to all situations on campus and will coordinate with local agencies to ensure that the proper resources are available. Campus Safety incident reports are forwarded to the Dean of Students Office for review and referral to the Judicial Affairs for potential disciplinary action. A Campus Safety Investigator will investigate a report when it is deemed appropriate. Additional information obtained through the investigation is also forwarded to Judicial Affairs. If assistance is required from the local police department or the local fire department Campus Safety will contact the appropriate authority. In the event a sexual assault is reported staff on the scene, including Campus Safety, will offer the victim a wide variety of services. All emergencies should be reported to the Department of Campus Safety; persons who dial 911 on a campus phone will be connected to Campus Safety. All members of the campus community are strongly encouraged to promptly and accurately report any suspicious behavior or activity, crime, acts of violence against themselves or another or any circumstances that require attention. These reports should be made to Campus Safety so they can be assessed for issuance of a timely warning notice. A timely warning notice will be issued if there is a serious or continuing threat to the campus and for inclusion in the annual disclosure of crime statistics. Members of the Hamilton community should report crimes to any member of the Campus Safety Department, any Dean within the Dean of Students Office, or any Campus Security Authority (CSA). When the victim of a crime elects to file a police report, or is physically or mentally unable to make such report, the college will notify law enforcement on behalf of the victim. Campus Safety cannot guarantee the confidentiality of any reporting party and therefore does not have any procedures for voluntary, confidential reporting of crimes for inclusion in the annual disclosure of crime statistics.
Anonymous reporting by voicemail, text or e-mail message - Tipnow (315) 282-5426

Hamilton College has contracted with TipNow- http://tipnow.com/ to allow individuals (students, faculty and staff) the opportunity to anonymously report suspicious or criminal activity or forward information to the Department of Campus Safety. Individuals can text, email, or leave a voice-mail from their cell phone or computer regarding the activity they have observed. The user’s identity remains completely anonymous as the TipNow system changes all user information to an alpha-numeric code before the message is delivered to Campus Safety. The information sent by the user is delivered to Campus Safety computers and cell phones and can be immediately acted upon by members of Campus Safety. TipNow insures that all user information remains completely anonymous.

It is important to remember that if a situation needs immediate attention, such as a fire or medical emergency, community members should dial 4000 and report the situation in person. Emergencies often require additional information that cannot be quickly or easily obtained from the TipNow system.

Blue Light Emergency Phones

Several call box telephones are installed across campus and are indicated with signage and/or blue lights. These phones are directly connected to the Campus Safety dispatcher and are intended for emergency use only. Community members are strongly encouraged to utilize these emergency phones anytime they feel uncomfortable in a situation or require immediate assistance from the department.

There are ten blue light emergency phones located throughout the campus. They are located in the following areas:

North Lot                              Fieldhouse Lot
Woolcott House (Front)                 New Lot
Bristol Campus Center (Rear)           The Little Pub
Martin’s Way Bridge (South Entrance)  Root Extension Lot
Root Parking Lot                       Major/McIntosh/Minor

Available Resources

Many Hamilton offices and local agencies are available to assist members of the community in emergency and crisis situations.

Administrator on Call (dispatched through Campus Safety X4000)

An administrator from the Division of Student Life will be informed of all serious situations that occur on campus and will respond, when necessary, to emergency situations.

HCEMS (dispatched through Campus Safety X4000)

A squad of certified student Emergency Medical Technicians responds to all on-campus medical emergencies. This service is overseen by the Department of Student Health Services and maintains a strong working relationship with area EMS agencies such as Clinton Fire Rescue and Central Oneida County Volunteer Ambulance Corps.

Counselor on Call (dispatched through Campus Safety X4000) a professional counselor from Hamilton’s Department of Counseling and Psychological Services is always available for emergency consultations. Non-emergency counseling is available to all students by contacting the Counseling Center (x4340) during business
hours. Conversations with Hamilton’s counselors are free of charge and confidential. During non-business hours a counselor can be contacted confidentially by first contacting the Department of Campus Safety dispatcher. The dispatcher will arrange for the counselor on call to contact the individual directly. All information will remain strictly confidential.

**Kirkland Police Department (853-2924 non-emergency)**

Informational questions about local laws or reports of civil crimes can be directed to the Town of Kirkland Police Department by telephone. KPD will not respond to a campus call without informing the Department of Campus Safety. Campus Safety officers may request additional support from KPD. As the local police authority, KPD is the contact agency for questions relating to our local sex offender registry. Community members may also access the New York State Sexual Offender Registry at the following web address:  
http://criminaljustice.state.ny.us/SomsSUBDirectory/search_index.jsp

The Hamilton College Department of Campus Safety (HCS) maintains a close working relationship with the Kirkland Police Department, the New York State Police, and the Oneida County Sheriff’s Office. Meetings are held between the leaders of these agencies on both a formal and informal basis. The Officers of HCS and KPD communicate regularly on the scene of incidents that occur in and around the campus area. Hamilton College Campus Safety Investigator works closely with these agencies when incidents arise that require joint investigative efforts, resources, crime related reports and exchanges of information. Hamilton College has signed Memorandums of Understanding (MOU’s) with the New York State Police and the Oneida County Sheriff’s Office regarding the investigation of all missing students and violent felonies.

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**EMERGENCY COMMUNICATIONS On-Campus Emergency Contact Information**

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<tr>
<td>Campus Safety (all emergency types)</td>
<td>x4000</td>
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<tr>
<td>Campus Safety (non-emergencies)</td>
<td>x4141</td>
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<tr>
<td>General Information</td>
<td>x4444</td>
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<tr>
<td>Hamilton College Emergency Medical Services (HCEMS)</td>
<td>x4000</td>
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<tr>
<td>Student Health Center</td>
<td>x4111</td>
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<tr>
<td>Physical Plant/Maintenance Emergencies</td>
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*Note—dialing 911 from on-campus phones directs you to the x4000 ext.*

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**Daily Crime Log**

Campus Safety maintains a daily crime log, which is available to the public. The crime log is maintained at the Campus Safety Office and is available during normal business hours.

**Planning & Preparedness**

Hamilton College routinely operates in a manner which avoids emergencies. However, the College is not immune to critical incidents, and strives to plan and prepare for them through written plans and protocols, training, effective communication strategies, and regular meetings of the Hamilton Emergency Response Team (HERT). The HERT members are:

- Meredith Harper Bonham (Chair), Senior Associate Dean of Students
- Fran Manfredo, Director of Campus Safety
- Steve Bellona, Associate Vice President for Facilities & Planning
- Mike Debraggio, Assistant Vice President for Communications
- Brian Hansen, Director of Environmental Protection, Safety & Sustainability
- Karen Leach, Vice President for Administration & Finance
Emergency Notification Systems and Procedures

In the event of a serious incident which poses an immediate threat to members of the Hamilton College community, the college has various systems in place for communicating information quickly to those individuals. The campus emergency alert system is composed of a siren based warning system in conjunction with a reverse 911-type system, Blackboard Connect. The sirens issue a warning to provide notice to the community of a pending emergency. Upon confirmation by the Department of Campus Safety or a member of the HERT, of a significant emergency or dangerous situation involving an immediate threat to the health or safety of the students or employees occurring on campus an immediate notification will be sent using some or all of these methods of communication. These methods of communications may include activating Blackboard Connect, an emergency notification system utilizing email, text messaging and telephone voice messaging. Phone numbers and email addresses of parents or other persons identified by students or employees in official college registrar or employee records as emergency contact persons will be included in the Blackboard Connect system and they may receive emergency messages as well. Members of the larger community, such as campus neighbors, may tune into local media or check the Hamilton College web-site for updates and information about emergencies on campus.

Serious threats of this nature may involve weather, health, or personal safety situations. Based on the nature of the emergency the responsibility for assessing the severity of the threat begins with the HERT. Upon a determination by the Hamilton Emergency Response Team, that a significant threat exists, a member(s) of HERT will promptly make a decision regarding emergency notification and determine the appropriate segment(s) to receive the message if the emergency is isolated to a particular section of campus. Staff from the Office of Communications and Development will generally have the responsibility for preparing and disseminating emergency messages and updates. In the event of confirmation of a threat involving imminent risk to personal safety any member of the HERT may develop a message and activate Blackboard Connect immediately, prior to notifying the entire Hamilton Emergency Response Team.

Many factors are considered when assessing a situation to determine whether to activate one or more of the emergency communications systems and if so, the content of the message and whether to send the emergency message to all or some of the campus community. Among the factors to be considered is the nature and anticipated duration of the emergency situation and whether the emergency applies to a particular building or segment of the population or to the entire campus. The Hamilton Emergency Response Team will make a decision without delay, taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The HERT will provide regular updates to the Hamilton community as they become available through the Blackboard Connect system. The Hamilton Emergency Response Team plans, publicizes and conducts a test of the emergency response and notification system at least semi-annually and maintains a record documenting each test, including a description of the exercise, the date, time and whether it was announced or unannounced.
Timely Warnings

In the event of an incident which poses a serious or ongoing threat to members of the Hamilton College community, the college has various systems in place for communicating information quickly to those individuals. Timely warnings are typically issued for the following Uniform Crime Reporting crime classifications: major incidents of arson, aggravated assault, criminal homicide, robbery, and sex offenses. Cases of aggravated assault and sex offense are considered on a case by case basis, depending on the facts of the case and the information known by Campus Safety. Blackboard Connect is an emergency notification system utilizing email, text messaging and telephone voice messaging for immediate notification. Any individual member of the Hamilton Emergency Response Team may develop the content and issue a timely warning to the Hamilton College Community. Phone numbers and email addresses of parents or other persons identified by students or employees in official college registrar or employee records as emergency contact persons will be included in the Blackboard Connect system and they may receive emergency messages as well.

Evacuation Procedures

Initial Gathering Points

- All routinely occupied College facilities have an initial gathering point, which is a location selected by designated Building Coordinators and/or RA’s where occupants should gather immediately following an evacuation signal (fire alarm) to await further instructions. Please contact your designated Building Coordinator or RA if you have not been advised of your building’s initial gathering point.

Assembly Points

- All routinely occupied College facilities also have primary and alternate assembly points, which are secure locations of assembly and head-counting in the event of actual emergencies that necessitate building evacuations. Should such an incident occur, individuals should proceed from their initial gathering point to their primary assembly point (or alternate assembly point if the primary point is also affected by the incident), until either the emergency is terminated or further direction is provided. See the last section of this document for your building’s primary and alternate assembly points.

Lockdown/Shelter-In-Place Procedures

In some emergency situations, evacuating the building/facility is not desired, and lockdown/shelter-in-place procedures are the best courses of action. A lockdown would typically be called for when some criminal element is threatening the campus, such as an active shooter, hostile intruder, or fugitive from justice. Shelter-in-place procedures would typically be called when some environmental element is threatening the campus, such as an airborne chemical plume or weather related event (like a tornado or ice storm). Despite these technical differences, the actions that personnel should take essentially remain the same. Once a lockdown or shelter-in-place command has been ordered, take the following actions:

- Stay inside the building you are in, even if you do not normally work or reside in that building.
- If you are in an outdoor location, proceed to the nearest building or other source of shelter.
- Close and lock exterior and interior doors to the greatest extent possible to maximize security. Also, close windows, blinds and drapes, and stay away from any objects that could fall or otherwise become projectiles.
- Terminate any on-going teaching activities (instruction, lab experiments, studio work, etc.), and turn off all local ventilation, fans, fume hoods, window air conditioners, etc.
- Be prepared to go to more secure locations, as directed by College personnel, and do not leave the building or secured area until and unless told to do so.
Community Services

Security of and Access to Campus Facilities

Access to campus administrative and academic buildings and grounds is available during normal business hours to students, faculty members, staff members, and guests. With the exception of the residence halls, which are locked at all times, most campus facilities are normally open when classes are in session, or by special request coordinated with the Department of Campus Safety. When class is not in session and when the campus is officially closed, all buildings are secured and only faculty, staff and students with proper authorization are allowed access. The general public may attend cultural and recreational events on campus, however access is limited to the facility in which the event is being held. Officers’ conduct routine security patrols of academic and administrative buildings to monitor activity.

Authorization for use of the campus grounds for assembly purposes must be obtained in advance from the Office of Student Activities or the Office of Summer Programs/Conference Services.

Residence Halls are locked at all times and access is restricted to building residents and their authorized guests. Resident Advisors routinely monitor safety and security concerns inside residence halls and, if necessary, report security concerns to Campus Safety.

Escorts

Campus Safety will escort any student from one campus location to another if they contact the office and report feeling unsafe between the hours of dusk and dawn. These escorts may be given in a Campus Safety vehicle or on foot, by Campus Safety officers or student employees. The Department will provide vehicular escorts between campus locations to those physically disabled students whose disabilities have been certified by the Department of Student Health Services. Medical escorts are given at all times of day.

Lockouts

Students are strongly encouraged to lock their rooms at all times. If a student is accidentally locked out of their room, Campus Safety personnel will grant them admittance after checking their official room assignment and photo identification. After the first lockout call, a student will be charged $10 per lockout. Students who lose their room keys should report the loss to the Department of Residential Life (x4023) so that their locks can be changed.

Deliveries

Off-campus delivery services are not permitted to enter any College buildings. All deliveries must be received at the Campus Safety office.

Campus Safety’s Routine Responsibilities

Monitoring and Recording Off-Campus Crimes

Local law enforcement agencies regularly notify Campus Safety of off-campus crimes that involve members of the Hamilton community, particularly those involving students engaged at off-campus locations to include off-campus housing. The Department’s role in off-campus investigations is limited, but information is often shared and cooperative work regularly takes place. The Hamilton College Code of Conduct prohibits violations of local, state, and federal laws; the College may take disciplinary action, independent of civil authorities, for activities that take place off-campus when the interests of the College are adversely affected. In instances where crime reporting is necessary in Hamilton overseas locations those statistics will also be reported in compliance with the Jeanne Clery Act.
Building Check and Maintenance of Campus Facilities

Hamilton College is maintained in a manner that minimizes hazardous conditions. Prior to securing a building at night, Campus Safety officers will visually inspect its exterior, making note of any damage. Officers will also conduct an interior walk-through of all buildings in their entirety, ensuring that doors are secured, that fire safety equipment is present and in working order, and that there are no apparent safety, fire, or health hazards. This walk through includes mechanical rooms and a basic check of the building’s heating and electrical systems.

All hazards and physical problems are referred to the Department of Physical Plant for action during the next business day. Physical Plant personnel can be called in after hours to address serious situations.

Parking and Traffic Enforcement

The Department of Campus Safety is responsible for regulating all vehicular traffic and parking on campus. Detailed information about the Department’s current policies is available from the Campus Safety office or electronically on their website. All vehicles, including those belonging to temporary visitors, must be registered with the Department of Campus Safety.

Closed Circuit Video Monitoring System

Hamilton has installed an IP-based closed circuit television system in North and Root campus parking areas. The cameras record activity in the parking lots; activity is not monitored in real time. The purpose of this system is to deter crime and assist in the apprehension of people who commit vandalism or other criminal acts in these lots. Campus Safety personnel have received training to ensure that the system is utilized in a professional, ethical and legal manner consistent with the best practices.

MISSING PERSON POLICY

Designated Contact Person

Students have the option to register a confidential contact person to be notified in the case that the student is determined to be missing. Students may register a confidential missing person contact at the following link: [https://my.hamilton.edu/Registrar/personal-evacuation-form](https://my.hamilton.edu/Registrar/personal-evacuation-form). The student may indicate that person to be a parent, guardian or another person if they choose. The contact information will be registered confidentially and this information will only be accessible to authorized campus and law enforcement officials and may not be disclosed outside of a missing person investigation.

In the case that a designated contact person is not registered the missing persons emergency contact information will be used.

Persons reporting missing students may make their first contact with the Department of Campus Safety, the Office of Residential Life, or the Office of the Dean of Students. Said reports may come from parents, fellow students, professors, Resident Advisors, or others. Regardless of the source or the office contacted first, the Department of Campus Safety will be immediately notified of all missing-student reports.

Upon receiving such notification, the dispatcher, with direction from a supervisor, will report via phone to the Kirkland Police Department that a student has been reported missing. Initially, however, the Department of Campus Safety will be fully responsible for the investigation.
If the student resides in an on-campus student housing facility and is determined missing for 24 hours, the following steps will be taken immediately:

- If the student has designated a missing person contact, notifying that contact person within 24 hours
- If the student is under 18 years of age and is not emancipated, notifying the student’s custodial parent or guardian and any other designated contact person within 24 hours
- Regardless of whether the student has identified a contact person, is above the age of 18, or is emancipated minor, informing the local law enforcement agency that has jurisdiction in the area that the student is missing within 24 hours.

Department personnel will interview any members of the Hamilton community who might have information about the missing student’s whereabouts. Such interviewee’s may include, but will not be limited to, Resident Advisors, faculty and staff members, roommates, friends, and family members. Particular attention will be given to possible locations of the missing student and his/her most recent mental state and/or personal problems. The Department of Campus Safety has the right to enter student rooms in search of missing persons.

Campus Safety personnel will contact the Business Office to determine the last Campus Card transaction completed by the student in question and request to be alerted if any further transactions are attempted.

All missing student reports must be relayed promptly to both the Director of Campus Safety and the administrator-on-call. Periodic updates should be given to both the Director and the administrator. The Director will determine which other College officials need to be notified. The local police authorities will be regularly updated on the progress of the investigation and will become involved at their discretion. If it is determined by the local police or the Director of Campus Safety that the entire college community is at risk, the Department of Campus Safety will be responsible for communicating that danger to the campus via any medium that the Director shall deem appropriate.

After the situation is resolved, the Director will prepare a detailed report to be provided to both the municipal authorities and the Dean of Students.

**Drug and Alcohol Policies**

Hamilton College has several regulations pertaining to the possession, use, and distribution of intoxicating beverages and illegal drugs; these policies are fully outlined in the Student Handbook. All students should carefully review these policies as the disciplinary penalties for violating them can be severe.

**Hamilton College Alcohol Policy**

I. Introduction

The Hamilton College alcohol policy and related educational programs are designed to promote responsible decision-making concerning the use of alcohol in this community. The College expects all members of the community to be respectful of the rights of others in order to contribute to an environment conducive to education and personal growth. Intoxication is never justification for behavior that violates the standards of conduct and expectations of the College.

This policy reflects local and state laws governing the possession, sale, use and distribution of alcohol, recognizing the rights of individuals who are 21 years of age or older to consume alcohol in a legal manner. Campus Safety enforces all New York State underage drinking laws. The College expects community members
to abide by the laws of New York State and the policies of the College. Any member of the community, including resident advisors and Campus Safety personnel, may confront and detain students whose behavior is in violation of these policies. Sanctions, ranging from one judicial point to separation from the College, may be imposed upon students who violate this policy, or other policies of the College.

II. Summary of New York State Laws Governing Alcohol

Under New York State law it is illegal:

1. To provide alcohol to persons under the age of 21 or to persons who are visibly intoxicated. Providing alcohol to persons under the age of 21 is a Class A misdemeanor which is punishable by imprisonment for up to one year, a fine of not more than $1,000 and/or 3 years probation;
2. To misrepresent the age of a person under the age of 21 for the purpose of inducing a sale of alcohol. Those found guilty of violating this law shall be punished by a fine of not more than $200, or by imprisonment for not more than five days, or by both fine and imprisonment;
3. For a person under the age of 21 to possess alcohol with the intent to consume it. Those found guilty of violating this law shall be punished by a fine of not more than $50 and/or required to complete an alcohol awareness program and/or required to provide up to 30 hours of community service;
4. For any person under the age of 21 to present or offer any written evidence of age which is false, fraudulent or not actually his own, for the purpose of purchasing or attempting to purchase alcohol. Those found guilty of violating this law shall be punished by a fine of not more than $100, and/or required to complete an alcohol awareness program and/or required to provide up to 30 hours of community service. Additionally, if it is found that a New York State driver's license was the written evidence of age used for the purpose of the purchase or attempted purchase, the person's license to drive a motor vehicle may be suspended for 90 days. Lastly, alteration of the required forms of identification (driver's license, passport or armed forces ID card) may constitute "possession of a forged instrument… with intent to defraud," which is a Class D felony under New York State penal law.
5. To sell alcohol, including charging admission at the door of an event where alcohol is distributed free of charge, without an Alcoholic Beverage Control license. Under New York State civil law the provider of alcohol may be liable for any damages or injuries caused by an intoxicated person.

III. General Policies

1. Persons 21 years of age and older may possess and consume alcohol in residence hall rooms, suites and apartments.
2. Open containers of alcohol are not permitted in public areas. Public areas include, but are not limited to, academic buildings, residence hall lounges and hallways, and outdoors. For purposes of this policy, suite lounges are not considered public areas.
3. Gatherings with bulk alcohol (defined as any quantity of beer in excess of two cases (48 twelve oz. cans), or the alcohol equivalent of wine or liquor) are not permitted in the residence halls (except where noted below). Kegs, beer balls and/or taps are not permitted in residence halls (except where noted below). Empty kegs may not be stored in residence halls.
4. Gatherings with bulk alcohol are permitted in College designated social spaces (Bristol Center Hub, Bundy Dining Hall, Beinecke Annex A & B, and Emerson Hall [ELS] basement). Social hosts are required to comply with the "Policy for Student-Sponsored Social Events," published here and in A Guide to Social Programming available in the Office of Student Activities.
5. The College reserves the right to notify the parents or guardian of a student who is transported to the hospital for an alcohol or drug-related overdose, and to require that the student participate in an educational program on alcohol and/or other drugs. The College may also choose to notify parents or guardian of any alcohol or drug-related violation.
**Educational Programs**

The Coalition on Alcohol and Other Drugs is appointed by the President, and charged with finding ways to reduce the negative consequences associated with the abuse of alcohol and other drugs at Hamilton. Membership is open to any member of the College community.

AES (Alcohol Education Seminar) is a two-hour class focusing on drinking choices and realities for college students. Any Hamilton student who has been involved in a violation or risky incident related to drinking may be referred to AES.

Additional intervention and support programs are offered through the Office of Counseling and Psychological Services, the Student Health Center and the Dean of Students Office, as well as in the town of Clinton and surrounding communities. For further information, please refer to Section III of the Illegal Drugs Policy or contact the Office of Counseling and Psychological Services.

**Illegal Drug Policy**

Students who are involved with drugs are encouraged to seek assistance through the College health services, counseling services or other professional assistance. These services are completely confidential. Hamilton College is committed to the development and maintenance of a drug-free environment and, in accordance with the Drug-Free Workplace Act of 1988, will not tolerate the unlawful possession, sale, use, manufacture, distribution or dispensation of a controlled substance in or on property owned or controlled by Hamilton College. This policy can also be viewed in Hamilton College’s Administrative Handbook found at the following link:  

Campus Safety will enforce all Federal drug laws. Drug paraphernalia and water pipes of all kinds are prohibited. The Judicial Board will normally hear cases involving the alleged possession, use, or distribution of illegal drugs. Students found responsible for possession, use, or distribution of drugs will be subject to appropriate disciplinary action, which may include separation from the College. The laws of New York State and the federal government prohibit the possession, use or distribution of illegal drugs. The penalties imposed on violators are severe. The College will offer no protection or immunity from prosecution by police agencies.

**I. Legal Sanctions Pertaining to Drug Use**

A. **Legal Consequences of Operating a Vehicle While Under the Influence of Alcohol or Drugs**

1. **Operating a Motor Vehicle after Consuming Alcohol While Under Age 21.** Any person under age 21 who operates a motor vehicle after having consumed alcohol, as determined by a blood-alcohol content of at least .02%, may be referred to the Department of Motor Vehicles for license suspension or revocation, and a $125 charge to be imposed by a hearing officer, although the violation is not to be considered as "a judgment of conviction for a crime or any other offense." V&T Law § 1192-a, 17.

2. **Driving While Ability Impaired (DWAI) (more than .05% but less than .08% B.A.C.)**
First violation (Traffic Infraction): Mandatory $300-$500 fine; and/or imprisonment up to 15 days; mandatory 90 day license revocation.  

Violations within 5 years of any convictions for DWI or DWAI (Traffic Infraction): Mandatory $500-$750 fine, and/or imprisonment up to 30 days. Mandatory 6-month minimum license revocation.  

Violations within 10 years of any two or more convictions for DWI or DWAI (Misdemeanor): Mandatory $750-$1500 fine; and/or imprisonment up to 180 days. Mandatory 6-month minimum license revocation.

3. **Driving While Intoxicated (DWI) (.08% B.A.C. or higher or while impaired by the use of a drug)**

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1st Violation (Misdemeanor): Mandatory $500-$1,000 fine and/or 1 year imprisonment; Mandatory 6-month minimum license revocation.*

Two or more violations in 10 years (Felony): Mandatory $1,000-$5,000 fine and/or imprisonment up to 4 years. Mandatory minimum one-year license revocation.*

Two Convictions within 10 years involving personal injury (Felony): $500-$5,000 fine and/or imprisonment up to 4 years; 5 years involving probation is possible. Lifetime license revocation.

If you are under the age of 21 and charged with DWAI, or DWI, and you are convicted of such charges, your license will be revoked for a minimum of one year. If you drive while your license is suspended or revoked, or if you refuse a chemical test, you face a mandatory jail term of 7-180 days and a mandatory fine of $500-$1,000. *The Department of Motor Vehicles decides when the license will be returned. It is not automatic. You must reapply and take tests.

**Responding to Sexual Harassment and Sexual Assault**

<table>
<thead>
<tr>
<th>Important Resource Phone Numbers</th>
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<tbody>
<tr>
<td>EMERGENCY: 315-859-4000 (x4000)</td>
</tr>
<tr>
<td>Campus Safety Non-Emergency: 315-859-4141 (x4141)</td>
</tr>
<tr>
<td>Counseling Center: 315-859-4340 (x4340)</td>
</tr>
<tr>
<td>YWCA Rape Crisis Hotline: 315-797-7740 (x5000)</td>
</tr>
<tr>
<td>Administrator/Counselor on Call, after hours: 315-859-4000 (x4000)</td>
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**Harassment and Sexual Misconduct Policy (The Sexual Misconduct portion of this policy was in effect from January 1, 2014 – September 20, 2014 and replaced with an updated policy below)**

The Harassment and Sexual Misconduct Board exists to ensure that all students, faculty, staff and guests can work, study, and enjoy the society of the College community without being subjected to harassment or sexual misconduct.

Harassment is prohibited by Hamilton College policy and by federal laws such as Title VII and Title IX. All members of the community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The Hamilton College Harassment and Sexual Misconduct Policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy serves as a means to determine, after the fact, if behaviors trespass on community values. By educating the Hamilton community about this policy and encouraging a clear understanding of the College's expectations, the Board also hopes to prevent violations.

Hamilton College affirms every individual's right to freedom of expression, and fosters the culture of tolerance and civility necessary to fulfill its educational goals. The academic freedom of an educational institution can create a tension with the prohibition of harassing behaviors. Hamilton College does not consider visual and/or aural demonstrations, depictions or conduct to be sexual harassment when there is a legitimate pedagogical context, such as material having an appropriate connection to course subject matter.
**Definition of Prohibited Conduct**

A. Harassment

1. Hamilton College defines **harassment** as verbal or physical conduct based on a person's race, color, religion, creed, ethnicity, gender or gender identity, age, sexual and affectional orientation/associations, genetic information or mental/physical disabilities that is sufficiently severe, pervasive, persistent or patently offensive that it has the effect of unreasonably interfering with that person's work or academic performance, or that creates an intimidating, hostile, or offensive working, educational, or living environment, from both a subjective (the complainant's) and an objective (any reasonable person's) viewpoint.

2. Hamilton College defines **non-discriminatory harassment** as verbal or physical conduct that is sufficiently severe, pervasive, persistent or patently offensive that it has the effect of unreasonably interfering with that person's work or academic performance, or that creates an intimidating, hostile, or offensive working, educational, or living environment, from both a subjective (the complainant's) and an objective (any reasonable person's) viewpoint.

3. Hamilton College defines **sexual harassment** as unwelcome verbal or physical conduct of a sexual nature that has the effect of unreasonably interfering with an individual's work or academic performance or that creates an intimidating, hostile, or offensive working, educational, or living environment. A form of quid pro quo (this for that) sexual harassment exists when submission to or rejection of unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature results in adverse educational or employment action, or the threat of such adverse action, or limits or denies an individual’s educational or employment access, benefits or opportunities.

4. Hamilton College defines **retaliatory harassment** as verbal or physical conduct that occurs in response to a complaint of harassment. Zero tolerance extends to those who retaliate for complaints of harassment. Hamilton College views retaliatory harassment to be just as severe as the initial harassment itself.

B. Sexual Misconduct

In order for individuals to engage in sexual activity of any type with each other, there must be clear consent. Consent is permission, freely given by word or action, by both participants in a sexual activity. Since two people may experience the same interaction in different ways, it is the responsibility of both parties to make certain that the other has consented before engaging in any sexual activity. Silence cannot be assumed to show consent. Consent to some form of sexual activity cannot be automatically taken as consent to any other sexual activity and consent may be withdrawn at any time. Persons using alcohol or other drugs are considered unable to give consent if they cannot appreciate the nature and implications of a sexual interaction. All individuals who consent to sex must be able to understand what they are doing. In order to give consent, one must be of legal age, which is 17 in New York State.

Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercive behavior differs from seductive behavior in the type of pressure someone uses to get consent from another. When someone makes clear that he or she does not want sex, wants it to stop, or does not wish to go past a certain point of sexual interaction, continued pressure beyond that point is coercive.

Persons who have sexual activity with someone whom they know to be - or could reasonably be expected to know to be - mentally or physically incapacitated (substantially impaired by alcohol or other drug use or unconscious) are in violation of this policy. This policy also covers someone whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of so-
called "date rape" drugs. Possession, use and/or distribution of any of these substances (including Rohypnol, Ketamine, GHB, Burundanga and others) is prohibited, and administering any of these drugs to another for the purpose of inducing incapacity is a violation of this policy.

1. Non-Consensual Sexual Contact is any intentional sexual touching, however slight, with any body part or object, by a man or a woman upon a man or a woman, without effective consent.
2. Non-Consensual Sexual Penetration refers to any sexual penetration (anal, oral, or vaginal), however slight, with any body part or object by a man or woman upon a man or woman, without effective consent.
3. Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute another form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, prostitution, non-consensual video or audio-taping of sexual or other private activity, exceeding the boundaries of consent (e.g., permitting others to hide in a closet and observe consensual sexual activity, videotaping of a person using a bathroom), engaging in voyeurism, or engaging in consensual sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of such infection.

Sexual misconduct is prohibited, in separate ways, by New York State law and Hamilton College policy. Thus, offenders may be prosecuted under New York State criminal statutes and subject to disciplinary action by the College. The College may choose to pursue disciplinary action while criminal action is pending, or even if criminal justice authorities choose not to prosecute.

**Choice of Actions in Response to Harassment and Sexual Misconduct**

Individuals or groups who have been harassed, or are victims of sexual misconduct as defined above, have recourse through the grievance procedures of the College established by this Policy. These grievance procedures apply to complaints regarding incidents taking place either on the Hamilton College campus or at College-sponsored events off campus.

The Harassment and Sexual Misconduct Board stands ready to respond to complaints in a variety of ways. Anyone who wishes to discuss a concern may approach any individual member of the Board. The privacy of all parties to a complaint of harassment or sexual misconduct must be strictly respected by the Board and by supervisory Senior Staff member, unless strict privacy interferes with the College's obligation to investigate fully the allegations and to record statistics in keeping with the law. Where extended disclosure is warranted, privacy will still be tightly controlled on a need-to-know basis. Dissemination of information and/or written materials to persons not involved in the complaint resolution procedure is not permitted. Campus clergy and professionals in the Counseling and Health Centers, including emergency medical technicians (EMTs), are the only Hamilton College employees who can offer legally protected confidentiality.

The College will not inform students' parents or guardians of their involvement in a complaint of harassment or sexual misconduct unless they are in major medical, disciplinary, or academic jeopardy, but students are strongly encouraged to inform their parents or guardians. College officials will directly inform a student's parents or guardians when requested to do so by the student.

If a complaint is initiated with an employee as respondent, or if a Senior Staff member or Director of Human Resources requests the involvement of the HSMB regarding an employee matter, the Title IX Coordinator and/or HSMB Chair will convene a subcommittee of non-student members of the Board for
the purpose of conducting an investigation. At the conclusion of the investigation, the investigation subcommittee will issue to the Chair and relevant Senior Staff member a written report of the evidence gathered and of its findings. The Chair and Senior Staff member will then consult to determine the next appropriate action. If there is a conflict of interest involving the Senior Staff member, the investigation subcommittee will issue its report to the Chair and the President. In the event of a conflict of interest involving the Chair or the Title IX Coordinator, the Senior Staff member or President will appoint another non-student member of the HSMB to oversee the process.

The complainant has the option of three levels of response by the Harassment and Sexual Misconduct Board, which are briefly described below.

A. Information

A member of the community may talk with any member of the Board about the College's process regarding harassment or sexual misconduct. If they wish, a friend or advisor may accompany them.

Under Title IX, however, an investigation would be deemed necessary when any alleged cases of non-consensual sexual misconduct or sexual harassment involving students are reported to a Board member or College employee.

B. Mediation

Allegations of sexual misconduct will not be addressed through mediation, but may be addressed through a formal complaint.

In the case of harassment, a complainant may request a referral to a campus mediator (e.g., a member of the Counseling Center staff or Human Resources) who will try to facilitate understanding of the nature of the complaint by the respondent, clear up misunderstanding, and resolve the complaint while maintaining confidentiality. Mediation is particularly appropriate when the complainant wants help in addressing the issue without pursuing formal action.

A person who desires mediation should notify the Chair and/or the appropriate Senior Staff member in writing, outlining the complaint and requesting mediation. The Dean of Students or the Dean’s designee will respond, with the Chair, to complaints brought by one student against another. The Dean of Faculty or the Dean’s designee will respond, with the Chair, to complaints against members of the faculty. The supervising Senior Staff member will respond, with the Chair, to complaints brought against a member of the staff or administration. The Chair and Senior Staff member will meet with the complainant and refer the complaint to a trained campus mediator. A person seeking mediation must agree to be identified to the respondent. A campus mediator will begin mediation efforts promptly and will report to the Chair that the mediation occurred. Complainants are strongly encouraged not to discuss the complaint with other members of the community, except as required by the need for psychological counseling.

At the conclusion of a successful mediation, both parties will sign a statement agreeing that the mediation was successful and that no further action will be taken under this policy. If the mediation is unsuccessful, the complainant can proceed to a formal complaint and hearing within six months of the mediation. A copy of the signed statement will constitute the record of the mediation.
C. Formal Complaint

An individual may file a formal complaint by submitting to the Chair a signed written statement, including the time, place and nature of the alleged offense and the name of the respondent, at a minimum.

This will activate the Harassment and Sexual Misconduct Board Procedures and will involve the Chair, the appropriate Senior Staff member, the Title IX Coordinator, an investigation subcommittee of the Board, and the Hearing Committee of the Board. The Dean of Students or the Dean’s designee will respond, with the Chair, to complaints brought by one student against another. The supervising Senior Staff member will respond, with the Chair, to complaints involving members of the faculty, staff, or administration. Once a formal complaint has been filed, a request by a student respondent to withdraw temporarily or permanently from the College will not be approved until the investigation and hearing processes have concluded.

A. Harassment and Sexual Misconduct Board Membership

The Harassment and Sexual Misconduct Board shall be composed of at least eight and no more than 12 members appointed by the College’s Title IX Coordinator to staggered terms of two years in the case of student members and three years for non-student members. Each year the current Board will solicit applications and nominations and will recommend members who will serve in the following year. All members of the community may nominate individuals for Board membership provided the nominees are willing to serve if appointed. Every effort will be made to maintain a gender balance on the Board, which will include students and members of the faculty, administration, staff, and maintenance and operations. At least one member of the Board will be a tenured faculty member and at least one a student.

In consultation with the outgoing Chair, the Title IX Coordinator shall appoint new members to the Board and designate the new Chair before the start of the fall semester. Normally, the Chair will be a tenured member of the faculty. The Title IX Coordinator shall arrange for the Board members to receive training in a timely fashion. The term of appointment for new members shall begin with the first meeting of the Board in the fall semester.

B. Hearing Committee

The Chair will annually appoint a three person hearing committee composed of at least one student and two other Board members to conduct hearings of the Board. The Chair is a non-voting member of the Hearing Committee who presides over the hearing. Normally, to be eligible to serve on the Hearing Committee, each member must have served for at least one year on the Board. The term of appointment to the Hearing Committee will be one year. If any vacancy on the Committee occurs during the academic year, or if the Chair determines that a legitimate conflict of interest exists between a member of the Committee and a party to a complaint, the Chair may request that the Board nominate a replacement from those members of the Board eligible to serve.

If, pursuant to a formal complaint, the respondent accepts responsibility for a violation of this policy, or if the Hearing Committee finds him or her responsible, various sanctions, ranging from a warning to permanent separation from the College (in the case of students), may be imposed. Individuals found responsible for violation of the College policy on Non-consensual Sexual Penetration should expect to be separated from the College. Individuals are encouraged to bring complaints forward in a timely manner, as it becomes difficult to establish the facts of the complaint as time passes.
C. Investigation of Complaint

Unless the respondent accepts responsibility for the alleged violation or the facts are uncontested, Hamilton College uses an investigation model to resolve complaints of harassment and sexual misconduct. Upon receipt of a formal complaint, the Chair and Title IX Coordinator will meet with the complainant and explain the investigation procedures that will be followed. The Chair and Title IX Coordinator will meet with the respondent to provide notification of the complaint and the procedures that will be followed.

All parties and witnesses will be interviewed and evidence collected by a trained investigation subcommittee that includes two members of the Board (who are not Hearing Committee members) and a representative from Campus Safety. The investigation subcommittee will usually have a male and a female member. Typically, an investigation will be concluded within two weeks of receiving a complaint.

In addition to interviewing and gathering written statements from the complainant and the respondent, the investigation subcommittee will interview and gather written statements from witnesses for the complainant and for the respondent who have information relevant to the investigation. The respondent must participate in all proceedings, and will be required to answer truthfully all of the questions posed during the investigation and any hearings. Students who fail to do so may face disciplinary action under the Student Code of Conduct.

It is the responsibility of the investigation subcommittee to take custody of, and arrange safekeeping for, any physical evidence to be used in making a finding, though evidence related to the commission of a crime will be handled by appropriate law enforcement authorities. At the conclusion of the investigation, the subcommittee will issue to the Chair and Title IX Coordinator a written report of the evidence gathered and investigation findings. A member of the subcommittee will meet with the Chair and Title IX Coordinator to review the written report. The Chair and/or Title IX Coordinator will then meet with the complainant and respondent separately to review the findings.

1. If the complainant and the respondent agree to the findings, and the findings indicate a violation by the College's "more likely than not" standard, the Senior Staff member will assign a sanction, determined in consultation with the Chair and/or Hearing Committee.

2. If the investigation subcommittee is unable to reach a finding or finds that the evidence does not meet the College's "more likely than not" standard, or if the investigation subcommittee finding is rejected by the complainant or the respondent, the complainant and/or respondent may request a hearing with the Hearing Committee within five days of receiving the investigation committee's findings. If a hearing is requested, the Chair will issue a formal charge to the respondent, detailing each policy alleged to have been violated, the range of sanctions which might be imposed upon a finding of a violation, and the relevant procedures to be followed. The Title IX Coordinator will give formal notice to the complainant, the respondent, and relevant witnesses of the time, place and details of the hearing. The complainant, respondent, and Hearing Committee will receive a copy of the investigation subcommittee report and documents deemed relevant by the Chair and Title IX Coordinator. The investigation subcommittee may be called on as necessary during these proceedings. It will be the responsibility of the investigation subcommittee to arrange for and/or provide the Hearing Committee with expert sources of information as necessary.

3. If there is insufficient evidence that a violation has occurred, the investigation subcommittee may recommend to the Chair and Senior Staff member that the complaint be dismissed. If the Senior Staff member and Chair agree with the investigation subcommittee, the complainant and respondent will be informed of the decision to dismiss the complaint on the basis of lack of
In resolving all formal complaints of harassment and sexual misconduct, the complainant and the respondent will be notified in writing of the findings (material facts, evidence, credibility determinations and the reasons why the committee determined that the standard of evidence was or was not met) and any sanction(s). When the College receives complaints of sexual misconduct, a brief public announcement may be sent regarding the nature of the violation and the action taken, using no names. Certain college administrators (e.g., the College President and Director of Campus Safety) may be informed on a privacy basis. If an act of alleged harassment or sexual misconduct is reported to a Senior Staff member and there is evidence that a felony has occurred, local police will be notified. This does not mean that charges will be automatically filed or that a victim must speak with the police, but the College is legally required to notify law enforcement authorities. The College must also report statistics concerning the occurrence on campus of any of six major violent crimes, including certain sex offenses, in an annual report of campus crime statistics. This statistical report does not include any personally identifiable information.

**D. Rights of the Respondent and Complainant at Hearings**

1. **Common Rights**

   In all complaints, each party has the right:

   a. to a timely investigation (typically within two weeks) and appropriate resolution of all complaints of harassment and sexual misconduct deemed credible by the Chair and appropriate Senior Staff member and made in good faith to College administrators;
   
   b. to receive the counsel and support of an advisor of his or her choice, who may be a designated member of the Board or another member of the Hamilton community, throughout the hearing process. Neither Hearing Committee members nor attorneys may serve as advisors. The advisor may consult with the advisee but may not speak on behalf of the advisee unless directed to answer questions raised by Committee members or to assist the advisee with questioning, as defined in the Hearing procedures (E.10 and 11);
   
   c. to bring an advocate or advisor to all phases of the investigation and hearing process;
   
   d. to be notified of the finding and any sanction following any hearing involving harassment or sexual misconduct, usually within 24 hours of the end of the hearing;
   
   e. to seek the professional counsel of an attorney at his or her own expense and to have access to the attorney at every stage of the hearing process. The attorney will not be permitted to be present at the hearing itself, during conversations between the Senior Staff Member or Title IX Coordinator and Chair, or during interviews between members of the investigation subcommittee and the respondent or the complainant;
   
   f. to medical and emotional support (in the case of students) from the Student Health Service, the Counseling Center, and/or trained advocates;
   
   g. to an expeditious review of the complaint and timely hearing conducted in the manner described in the Harassment and Sexual Misconduct Board Procedures;
   
   h. to identify witnesses who may be called at the hearing;
   
   i. to have irrelevant information concerning his or her sexual history, character, or incidents not directly related to the complaint, excluded from the hearing. The Chair and Title IX Coordinator may determine that evidence demonstrating a pattern of behavior directly related to the alleged violation is admissible information;
j. to testify, orally and/or in a written document;
k. to make an opening and closing statement in the event of formal proceedings;
l. to submit a written impact statement and to have that statement considered by the Hearing Committee and/or the Chair and Senior Staff Member in determining the sanction;
m. to review all documentary evidence available regarding the complaint, subject to the confidentiality limitations imposed by state and federal law, at least 48 hours prior to the hearing;
n. to be informed of the names of all witnesses who will be called to give testimony, at least 48 hours prior to the hearing;
o. to preservation of privacy, to the extent possible and allowed by law;
p. to a hearing closed to the public;
q. to petition the Chair that any member of the investigation subcommittee or Hearing Committee be removed on the basis of demonstrated bias or conflict of interest;
r. to appeal the finding and any sanction, in accordance with the standards for appeal established by the Harassment and Sexual Misconduct policy;
s. to be fully informed of campus judicial rules and procedures as well as the nature and extent of all alleged violations contained within the complaint;
t. to have the College compel the presence at the hearing of student, faculty and staff witnesses, to ask questions, directly or indirectly, of witnesses (including the respondent or complainant), and to challenge documentary evidence;
u. to be present for all testimony given and evidence presented before the Hearing Committee;
v. to have complaints heard by Hearing Committee members who have received annual harassment and sexual misconduct adjudication training;
w. to have College policies and procedures followed without material deviation;
x. to be informed in advance of any public release of information regarding the complaint;
y. to have any personal information about the complainant withheld from the public and not released without the complainant's consent.

2. Additional Rights of the Complainant

a. To be informed by college officials of options to notify proper law enforcement authorities, and the option to be assisted, upon request by the Dean of Students, the Title IV Coordinator, or any Administrator from the Department of Campus Safety in notifying such authorities;
b. To have limitations placed on the respondent regarding contact with the complainant while the complaint is being reviewed. These limitations may include, but are not limited to, a separation of the working, living, and/or academic arrangements of the complainant and the respondent;
c. To give testimony in a campus hearing by means other than being in the same room with the respondent;
d. To be informed of options for, and assistance in, changing academic and living situations after an alleged harassment or sexual misconduct incident, if so requested by the victim and if such changes are reasonably available (no formal complaint, or investigation, campus or criminal, need occur before this option is available). Accommodations may include:

- Change of a student's housing to a different on-campus location;
- Assistance from College support staff in completing the relocation;
- Exam (paper, assignment) rescheduling;
- Taking an incomplete in a class;
- Transferring class sections;
- Temporary withdrawal;
- Alternative course completion options.
3. Additional Rights of the Respondent

1. To waive the hearing process by admitting responsibility. The respondent must submit in writing, to the Senior Staff member and the Chair, 24 hours prior to the scheduled hearing, a decision to waive his/her right to a hearing. In those cases, the Senior Staff member, in consultation with the Chair, may determine an appropriate sanction;
2. To a hearing on the complaint, including timely notice of the hearing date, and adequate time for preparation;
3. To a fundamentally fair hearing;
4. To a hearing committee outcome based solely on evidence presented during the hearing. Such evidence will be credible, relevant, based in fact, and without prejudice.

Hearing Procedures

1. The Hearing Committee reviews all materials from the investigation privately prior to the hearing.
   a. The committee notes any questions they have concerning the investigation subcommittee report.
   b. The committee reviews written statements of the parties in response to the investigation findings, if available.

2. The hearing is called to order with the complainant and the respondent present, with their advisors, unless alternative hearing procedures separating the parties are in place. Witnesses are not present at this point, and are kept sequestered outside the hearing room.

3. Participants introduce themselves and their role in the hearing.

4. Rules of the hearing and hearing procedures are explained by the Chair.
   a. Questions on procedural rules are solicited from the parties.
   b. Rights of the parties are explained.
   c. The Chair confirms that parties received copies of the complaint, response, witness lists and all available written evidence and documentation in advance of the hearing.

5. All participants are admonished that: (i) they are expected to be truthful (and may face judicial consequences if they are not); (ii) no one may speak unless recognized by the Chair who has full authority over the proceedings; (iii) the proceedings are confidential and should not be discussed outside of the hearing room; (iv) the Chair is responsible for ensuring that these procedures are followed. Each witness called into the hearing room is instructed on the requirement of truthfulness.

6. The Chair introduces the formal charge (reads first section of charge) and identifies the policies allegedly violated.

7. The complainant is asked to make an opening statement. Specific comments should be directed to areas of agreement/disagreement with the investigation report.

8. The respondent is asked to make an opening statement. Specific comments should be directed to areas of agreement/disagreement with the investigation report.
9. The committee may ask questions of the complainant; the respondent may ask questions of the complainant. At the request of the respondent, with permission from the Chair, the advisor for the respondent may submit written questions to be asked of the complainant by the Chair.

10. The committee may ask questions of the respondent; the complainant may ask questions of the respondent. At the request of the complainant, with permission from the Chair, the advisor for the complainant may submit written questions to be asked of the respondent by the Chair.

11. The complainant may call witnesses.

12. The complainant's witnesses are questioned by the complainant, the committee, and the respondent.

13. The respondent may call witnesses.

14. The respondent's witnesses are questioned by the respondent, the committee, and the complainant.

15. Any witnesses who need to be recalled and re-questioned are called and then excused.

16. The complainant is given the opportunity to make a closing statement.

17. The respondent is given the opportunity to make a closing statement.

18. The Chair confirms that neither the committee, the complainant, nor the respondent has any further questions.

19. Any impact statements are submitted in writing at this point.

20. The hearing is adjourned. Only the committee members and the Chair will remain for deliberations.

21. The committee determines first, by majority vote, if the respondent is responsible for violation of the policies identified in the charge, by the "more likely than not" standard.

22. If the committee finds that the evidence supports a finding that the prohibited conduct more likely than not did occur, it will issue a finding that the respondent violated College policy. The "more likely than not" standard is met when evidence in favor of the finding of culpability outweighs the evidence against such a finding even by only a very small amount.

23. A finding of culpability will trigger the committee's consideration of sanctions. In weighing appropriate sanctions the committee may consider, among other things, the strength of the evidence supporting culpability.

24. The committee recommends any sanction(s) to the College Officer who makes a final decision. The committee provides a clearly articulated rationale based on findings and the committee's judgment on appropriate action.

   a. In recommending a sanction, the committee will consider available precedent and similar complaint history.
   b. The rationale will note the specific evidence that was and was not considered and why.
   c. Sanctions range from a verbal warning up to and including permanent separation from the College.
25. Within 48 hours after receiving the committee’s recommendation, the Chair and the College Officer will convene the parties and orally report the finding and any sanctions, explain appeal options, and explain how sanctions will be implemented. The Chair will deliver to the complainant and the respondent a written summary report of the finding and any sanction.

26. A recording shall be kept of the hearing. This document is an internal College record to be made available to the Appeals Board or to the President by the College Officer. A student preparing an appeal will also be allowed to listen to the tape, under the supervision of the Dean of Student's designee. This tape is destroyed after adjudication or decision in any appeal.

** Appeals Procedures**

Appeals of a Harassment and Sexual Misconduct Board decision are heard by a two-member subset of the Appeals Board (Appeals Panel) consisting of the Chair of the Appeals Board and one other faculty member from the Appeals Board, determined by the Appeals Board Chair. In cases where the two members do not agree, the 3rd Appeals Board member will review the case and make a determination. If there is a conflict of interest, a student Appeals Board member shall be appointed.

The Appeals Panel will not substitute its own judgment for that of the hearing committee and/or officer, nor will it concern itself with the possibility that others might have arrived at a different judgment. Its terms of reference extend only to investigation of the procedures by which the original judgment was reached. Decisions of the Appeals Panel are final.

Any party to a Harassment and Sexual Misconduct Board decision may request an appeal within one week of being informed in writing of that decision. Respondents who accept investigation findings may only appeal on the basis of sanction. The appeal must be made in writing to the Chair of the Appeals Board, and must state in detail the reasons for the appeal. The Chair will inform the Senior Staff member and Chair of the Harassment and Sexual Misconduct Board that an appeal has been made and will invite the Senior Staff member and Chair to make written statements to the Appeals Panel. Where an appeal is requested by the respondent party, the complainant will be invited to respond if he or she chooses. Where an appeal is requested by the complainant party, the respondent will be invited to respond.

Within one week of receipt of the appeal, the Chair will convene the Appeals Panel to determine whether the appeal will be considered. In making that decision, the Appeals Panel will have access to the written records of the case. Acceptable grounds for an appeal are limited to:

1. Sanction inconsistent with the severity of the violation or with stated community standards and precedents
2. Procedural irregularity that affected the outcome of the hearing
3. Prejudicial bias on the part of the hearing body

New evidence not available at the time of the original hearing that could be outcome determinative must be brought to the attention of the Harassment and Sexual Misconduct Board for consideration before the complaint can be presented on appeal.

If the Appeals Panel decides to consider the appeal, the Chair will schedule another meeting for consideration and disposition of the appeal. The Appeals Panel will have access to the records of the hearing. Normally, the parties, Senior Staff member and Chair will not appear before the Appeals Panel, though they may be summoned at the discretion of the Chair.
The Appeals Panel may decide:

1. To uphold the original decision.
2. To remand the complaint to the Harassment and Sexual Misconduct Board for rehearing. This will normally be done when there is a procedural irregularity that could be corrected in a rehearing.
3. To remand the complaint to the appropriate Senior Staff member with a recommendation that the penalty be modified, together with an explanation of why the original penalty is deemed inappropriate.
4. To remand the complaint to an ad hoc hearing board. This will be done only in extraordinary cases when, in the considered opinion of the Appeals Panel, prejudicial bias or procedural problems would make it impossible for the appropriate body to reach a fair decision.

The parties and the Officer and Chair will be informed in writing of the decision and of the grounds for the decision. The record of the appeal will consist of the letter of appeal, the written statements from the parties, Senior Staff member and Chair; the written decision whether to hear the appeal and the outcome of the appeal. This record will be appended to the written record of the original decision and will be kept with it.

Records

The Title IX Coordinator shall keep only such records as are needed for the Board's annual report. The Senior Staff member and the Title IX Coordinator shall keep on file in his or her office for seven years from the date of the filing of the formal complaint, copies of the written statement of the complainant, the respondent, and the action taken by the Senior Staff member.

Annual Report

At the end of each academic year, the Board shall submit a report to the Title IX Coordinator. Its report shall include the number of individuals who came to Board members for help, the number of requests for mediation, the number of formal complaints that were lodged, and the kinds of behavior that gave rise to the complaints. The Title IX Coordinator shall make it public at the beginning of the next academic year. The report shall not mention the name of any individual or identifying details of any case.

Policy Amendment

Members of the community may suggest changes to members of the Board or the Title IX Coordinator, who shall bring them to the Board for discussion. Final policy changes are to be approved by the President.

Portions of this policy were adapted from policies of NCHERM, SUNY University at Buffalo and Skidmore College, and is in keeping with Title IX procedures and the April 4, 2011 "Dear Colleague" letter from the U.S. Department of Education's Office of Civil Rights.. This policy was revised on May 20, 2013.

Sexual Assault

Hamilton College is committed to the personal safety of members and guests of the Hamilton community. Hamilton College informs incoming students about sexual
assault prevention measures through campus programs that include workshops, discussion groups, and on-going orientation seminars. The purpose of these programs is to disseminate information about sexual assault, promote discussion, encourage reporting of incidents of sexual assault, and facilitate prevention of such incidents.

**Sexual Assaults on College Campuses**

College students are more vulnerable to sexual assault than any other age group. Nationally, the majority of reported victims and offenders are of college age, with the rate of victimization highest among 16 to 19 year olds. Women between 20 and 24 years of age experience the second highest victimization rate. Offender populations show a similar age distribution.

Traditionally aged college students are vulnerable to being victims of violence. They are typically in a new setting with a variety of environmental stressors, and away from direct parental supervision and past support systems. They are under peer pressure, their identities are not yet firm, their competence is not yet established, and they often have mistaken beliefs about their invincibility. They live among others who are experimenting with new freedoms. Thus, college students are a population at risk.

The most prevalent form of rape on college campuses is acquaintance rape. The acquaintance may be a date or friend of the victim, or someone the victim knows only casually, from a residence hall, a class, or through mutual friends.

Regardless of the relationship between them, if one person uses force to coerce another into submitting to sexual behaviors, or if the other party does not give consent, the act is unlawful. The same criminal laws and penalties apply in cases of acquaintance rape and stranger rape, and other forms of sexual assaults.

Many acquaintance rapes involving college students follow similar patterns. Acquaintance rapes often occur at parties or in residential settings. Detailed crime reports and prevention information can be obtained from the Office of Campus Safety.

**Prevention**

There are things you can do to reduce your chances of being sexually assaulted.

- When you go out, do so with people that you trust to look out for your safety. Be a good friend—keep an eye on your friends to make sure they are safe.
- When you are at a party, make sure that someone knows where you are at all times. Check on your friends to make sure they are safe too.
- Get your own drinks. Only accept beverages from people you trust and never drink out of a cup that has been left unattended.
- Never walk home alone from bars or parties. Have a friend walk with you, call Campus Safety for an escort, or let the Events Staff know that you need an escort. Walking home alone may make it easier for someone to isolate and assault you.
- Always lock your residence hall room door.
- Know your sexual desires and limits. You have a right to say 'no' to any unwanted sexual contact.
- Communicate your limits as clearly as possible. If someone starts to offend you, tell him or her early and firmly. Being polite is fine, as long as you are firm and assertive. Say "no" when you mean "no" and be prepared to repeat it.
- Since alcohol and drugs interfere with clear thinking and effective communication, avoid excessive use of these substances. It may not be safe to be intimate with someone if you or they have been drinking or using other substances.
- If you do not feel well and need to lie down, make sure that a friend stays with you to check on you.
- If you want to be intimate with someone, remember that you can still change your mind.
If you find yourself alone or in an unfamiliar place:

- Be aware of your surroundings.
- Walk with confidence. The more confident you look, the stronger you appear.
- Be assertive — don't let anyone violate your space.
- Trust your instincts. If you feel uncomfortable in your surroundings, leave.
- Don't prop open self-locking doors.
- Lock your door and your windows, even if you leave for just a few minutes.
- Watch your keys. Don't lend them. Don't leave them. Don't lose them. And don't put your name and address on the key ring.
- Watch out for unwanted visitors. Know who's on the other side of the door before you open it.
- Be wary of isolated spots, like underground garages, offices after business hours, and apartment laundry rooms.
- Avoid walking or jogging alone, especially at night. Vary your route. Stay in well-traveled, well-lit areas.
- Have your key ready to use before you reach the door — home, car, or work.
- Park in well-lit areas and lock the car, even if you'll only be gone a few minutes.
- Never hitchhike or pick up a hitchhiker.

Reporting and Obtaining Assistance

1. Professional help is available 24 hours a day, seven days a week. A member of the Hamilton College Counseling Center is on-call at all times. The Counselor On-Call (COC) can provide immediate crisis support and information about resources for survivors on and off campus. Contact the COC by calling 315-859-4340 during normal business hours (315-859-4000 after hours). This is a completely confidential service. Upon request, the COC will come to campus immediately.
2. Immediate help is also available through YWCA Rape Crisis Services by calling 315-797-7740. Rape Crisis volunteers are trained and available by phone or to accompany survivors to the hospital or the police. This service is also confidential and is not connected with the College.
3. Medical attention should be sought as soon as possible following a sexual assault or rape. Not all injuries are immediately apparent. Contact the Hamilton Student Health Service (8:30-4:30 M-F), Hamilton's Emergency Medical Technicians (315-859-4000), or go to the hospital Emergency Room for medical services. Transportation to the hospital can be arranged by request through the Office of Campus Safety or Student Health Service.
4. For any major injuries, as well as a rape examination (Physical Evidence Recovery Kit), go to the emergency room of Oneida Healthcare Center (click here for directions). It is important to preserve physical evidence for proof of a criminal offense. The rape examination allows evidence to be collected in case prosecution is desired at a later time. The examination should be conducted within 72 hours of the incident. It includes a pelvic examination and semen analysis; sexually transmitted disease testing; and treatment for possible infection, which may include taking an antibiotic. Do not bathe, shower, change or wash clothes, or douche — important evidence may be lost. You may wish to take a change of clothes with you to the hospital. Upon request, a volunteer from the YWCA Rape Crisis Service (315-797-7740) will accompany you and will assist in managing the process. The evidence kit can be kept secure at the hospital for 30 days while you decide whether or not you wish to prosecute. The police will be called only if you wish to seek prosecution.
5. The hospital will never refuse services, but is required to bill your insurance company. The New York State Crime Victims Board will reimburse medical expenses, counseling services, and damage to personal property if you choose to pursue criminal prosecution.
6. Reporting to police is your choice. While you may not be certain now that you wish to press charges, failure to involve police at an early stage may limit later choices. Contact Campus Safety (315-859-4000) to request that the police come to campus to take a report. You may wish to request that a Rape Crisis advocate be present in order to provide support through the process. You may choose to meet the police in the Counseling Center or Student Health Service to preserve confidentiality.
7. Police will ask questions to establish facts and, if possible, to apprehend the suspect. Police or Rape Crisis Services staff can explain your legal options and provide information about likely consequences of legal actions.

8. If the assailant is a Hamilton College student, you may choose to file a complaint with the Harassment and Sexual Misconduct Board. This can be done in conjunction with, or instead of, criminal prosecution.

9. Counseling is available on a free and confidential basis through Hamilton’s Counseling and Psychological Services (315-859-4340).

10. If the incident represents a serious or continuing threat to the community at large, the Dean of Students will issue a warning to the campus community, preserving the survivor's anonymity.

11. Individuals may also report a sex offense to the institutions Title IX coordinator. This office is responsible for coordinating the institution’s compliance with Title IX. The Title IX coordinator is the Senior Associate Dean of Students for Strategic Initiatives whose office is located in the Elihu Root House at extension 4020 (859-4020). Information on reporting sexual assault is available at the following web link: http://www.hamilton.edu/documents/Sexual%20Assault%20Reporting_2012_Final.pdf

12. Upon written request, Hamilton College will disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the results of any disciplinary proceeding conducted by the College against the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, the victim’s next of kin will be treated as the alleged victim for the purposes of this policy.

Hamilton College Sexual Misconduct Policy (Effective September 21, 2014)

Introduction

All members of the Hamilton College community are expected to conduct themselves in a manner that does not infringe upon the rights of others. Hamilton seeks to provide an environment whereby students, faculty, staff, and guests can work, study, and enjoy the College community without experiencing sexual misconduct, domestic violence, dating violence, or stalking. In addition to being antithetical to Hamilton’s community values, these acts are prohibited under College policy, New York State law and by federal laws such as Title IX. When such actions are brought to its attention, the College is committed to providing prompt and thorough responses to actions that adversely impact, or have the potential to adversely impact, the educational, residential, or workplace environment of any member of the Hamilton community.

The College strongly encourages all members of its community to report any act of sexual misconduct, dating violence, domestic violence, stalking, and/or related retaliatory behavior to the College and to immediately seek appropriate support and health care. The College also encourages all community members to contribute to the creation of a safe, welcoming, and respectful environment on campus. This includes taking reasonable and prudent actions to prevent or stop an act of sexual misconduct. Taking action may include direct intervention when safe to do so, enlisting the assistance of friends, contacting law enforcement, or seeking assistance from a person in authority. Community members who choose to positively intervene will be supported by the College and protected from retaliation.

This Policy has been developed to provide recourse for individuals who believe their rights have been violated, and serves as a means to determine, after the fact, if specific behaviors constitute violations of this Policy.

Any individual who has experienced sexual violence has the option to make a report to local law enforcement, to initiate Hamilton’s internal complaint process described in this Policy, to do both, or to do neither. This Policy also describes support resources and accommodations available to members of the Hamilton community who experience sexual violence, whether or not that individual decides to pursue a formal report on campus.
When a community member decides to make a formal report of an incident of sexual misconduct, dating violence, domestic violence, stalking, or related retaliatory behavior, Hamilton will use the procedures outlined below to take reasonable, prompt, and appropriate action to respond.

**What is Title IX and Who is the Title IX Coordinator?**

Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §1681, et seq., a federal law, prohibits discrimination on the basis of sex in education programs and activities:

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.

All public and private elementary and secondary schools, school districts, colleges, and universities receiving any federal funds must comply with Title IX. Title IX mandates that colleges and universities create an environment free from sexual discrimination and harassment for all community members.

Under Title IX, discrimination on the basis of sex includes sexual harassment, gender-based harassment, sexual violence, sexual assault, other forms of sexual misconduct, stalking, and intimate partner violence. Sexual harassment is also prohibited under Title VII of the Civil Rights Act of 1964, the New York State Human Rights Law, and other applicable statutes.

The College’s Title IX Coordinator is responsible for ensuring that the College responds to such complaints in a manner that is equitable, effective, and eliminates the harassment through remedies designed for the individual and, as needed, the entire College community.

Hamilton’s Title IX Coordinator is Meredith Harper Bonham (315-859-4020 or mbonham@hamilton.edu). The Title IX Coordinator is:

- responsible for oversight of the investigation and resolution of all reports of sexual assault and harassment;
- knowledgeable and trained in relevant state and federal laws and College’s Policy and procedure;
- available to advise any individual, including a Complainant, a Respondent, or a third party, about the courses of action available at the College, both informally and formally, and the courses of action available externally, including reports to law enforcement;
- available to provide assistance to any Hamilton community member regarding how to respond appropriately to reports of sexual assault and harassment;
- responsible for monitoring full compliance with all requirements and timelines specified in the complaint procedures; and
- responsible for compiling and maintaining required reports.

**Scope**

All College community members are responsible for their actions and behavior, and for adhering to College policies and local, state, and federal law. This Policy, therefore, applies to all members of the Hamilton College community who participate in any of Hamilton’s programs or activities, including students, employees, contractors, and visitors. Those who conduct business with the College on College property must also adhere to this Policy.
This Policy applies to:

- conduct occurring on College property;
- conduct occurring off College property but involving two or more Hamilton students; and
- conduct occurring at College-sanctioned events.

This Policy also applies to off-campus conduct that is likely to have a substantial adverse effect on, or poses a threat of danger to, any member of the Hamilton community or the College at activities that take place at events hosted by organizations recognized by the College, including fraternities and sororities; study abroad and internship programs; or conduct that has continuing effects on campus or in an off-campus education program or activity.

**Options for Immediate Assistance**

If you have experienced an act of misconduct and desire immediate assistance, you have several on and off-campus options:

**On Campus Support Resources**

The **Counseling Center** (315-859-4340) is a confidential resource that cannot disclose any information without your permission and that can provide emotional support as well as information about reporting options. The Counseling Center also has a **Counselor on Call** available 24/7 (reached through Campus Safety at 315-859-4000).

The **Health Center** (315-859-4111) is a confidential resource that cannot disclose any information without your permission, that provides medical assistance, and that can share information about reporting options. After hours, **Emergency Medical Technicians** (EMTs) are available (reached through Campus Safety at 315-859-4000).

The **Chaplaincy** (315-859-4130) is a confidential resource that cannot disclose any information without your permission and that can provide pastoral counsel, emotional support, and information about reporting options. Visit the **Chaplaincy site** to learn how to contact individual staff in the Chaplaincy.

**Campus Safety** (315-859-4000) is available 24 hours a day, 7 days a week to respond to any community concern. Students who call Campus Safety after normal business hours may request to speak with the Dean on Call, who is a member of the Division of Student Affairs. Campus Safety and/or the Dean on Call will notify the Title IX Coordinator after responding to a call related to alleged sexual misconduct.

**TipNow** is an anonymous resource to report troubling behavior, including sexual assault. Reports can be made by telephone at **315-282-5426** or email at **Hamilton@tipnow.com**.

The College’s **Title IX Coordinator**, Senior Associate Dean of Students Meredith Harper Bonham, is also available as an immediate resource. **Talking with the Title IX Coordinator about a specific incident of sexual misconduct constitutes a report under this Policy to which the College must respond.** However, general conversations or questions about Hamilton’s processes can remain private [see “Privacy of Resources”]. Dean Bonham can provide information about all resources available to individuals who have experienced sexual assault or harassment, including where to obtain emergency mental health services and health care. Dean Bonham can review and determine the immediate academic and administrative accommodations that can be made to protect a Hamilton community member who has experienced sexual violence or harassment. Dean Bonham can also advise about options for reporting, including the option to report to local law enforcement, to initiate the on-campus resolution procedures, to do both, or to do neither. Dean Bonham will provide guidance and assistance through the process of reporting on- and/or off-campus. She can be reached through the Dean of Students Office (315-859-4020) or after hours through the Dean on Call (reached through Campus Safety at 315-859-4000).
Off Campus Support Resources

**YWCA Rape Crisis Services** (315-797-7740) is an anonymous hotline available to provide counsel as well as in-person assistance getting to a hospital or the police.

**Oneida Health Care** (315-363-6000) is a hospital that provides a **Sexual Assault Nurse Examiner** (SANE) for medical attention (injuries from a sexual assault are not always immediately apparent) and collecting physical evidence (a “rape kit”). The College strongly encourages any individual who has experienced sexual violence to obtain a rape kit, which is critical: (1) to diagnose and treat the full extent of any injury or physical effect and (2) to properly collect and preserve evidence. Such an exam may include testing and prophylactic treatment for HIV/AIDS, STIs, and pregnancy; a vaginal examination; collecting fingernail scrapings and/or clippings; examining for injuries; and drawing blood. There is a limited window of time (typically 72 to 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Gathering such evidence does **not** commit an individual to pursuing legal action against the assailant, but does preserve that option. Although it may be difficult following a sexual assault, individuals who are considering or may consider legal action should try not to shower, rinse mouth, brush teeth or change clothes to allow for the maximum possible collection of evidence by a SANE nurse or other health care provider.

Hospitals are not required to report any non-identifying information to the College or to anyone else. However, hospitals providing care to individuals reporting sexual assault are required to:

- collect and maintain the chain of custody of sexual assault evidence for not less than 30 days **unless** the patient signs a statement directing the hospital not to collect it;
- advise the individual seeking medical treatment related to sexual assault of the availability of the services of a local rape crisis or victim assistance organization to accompany the individual through the sexual offense examination;
- contact a rape crisis or victim assistance organization providing assistance to the geographic area served by that hospital to establish the coordination of non-medical services to individuals reporting sexual assault who request such coordination and services; and
- provide emergency contraception upon the patient’s request.

Even if an individual who has experienced sexual violence does not have injuries requiring emergency attention, the College encourages that individual to seek medical care as soon as possible, whether at the Health Center or another health care provider or hospital. A medical evaluation is still important to check for physical injuries, reduce risk of complications from sexually transmitted diseases as a result of the assault, and/or (if appropriate) reduce risk of pregnancy.

In most instances, any health care provider will encourage an individual reporting sexual assault to authorize collection of evidence. For individuals who seek initial medical treatment at the Health Center and decide to proceed with evidence collection, the individual may be escorted to Oneida Health by Campus Safety or may choose to travel by taxi (the College will provide a voucher) to any chosen medical provider. A Complainant can receive follow-up health care at the Health Center or the chosen health care provider or hospital.

**Reporting to Law Enforcement**

The College encourages Complainants to pursue criminal action for incidents of sexual assault or harassment that may also be crimes under New York criminal statutes. The **New York State Police** (315-366-6000) can assist with pressing criminal charges following a sexual assault.
A Complainant who wishes to report sexual assault has a number of options to resolve the complaint:

- report to law enforcement to initiate criminal action;
- report to the College to initiate the College’s complaint process; or
- report both criminal action and the College’s complaint process.

The Title IX Coordinator or Campus Safety will assist any Complainant who wishes to pursue a formal complaint with local law enforcement in making the report. In addition, an individual making a report to local law enforcement may also obtain services through the New York State Office for Victim Services. The OVS funds local Victim Assistance Programs including YWCA Rape Crisis Services (listed above), which will, among other things, offer a crime victim advocate that can provide direct assistance to victims and their families as they navigate the criminal justice process.

The College will cooperate with law enforcement agencies (to the extent permitted by law) if a Complainant decides to pursue the criminal process. Except where the Complainant is less than 18 years old, the College will generally respect a Complainant’s choice whether or not to report an incident to local law enforcement, unless the College determines that there is an overriding issue with respect to the safety or welfare of the Hamilton College community. Where a report involves suspected abuse of a minor less than 18, certain individuals at the College may be required by state law to notify law enforcement and/or the New York Statewide Central Register of Child Abuse and Maltreatment.

**Amnesty Related to Other Policy Violations**

In order to encourage reporting of the acts covered by this Policy, Hamilton may offer amnesty related to other policy violations (such as those involving alcohol if the parties are underage) revealed in the process of pursuing a complaint.

Additionally, individuals can report anonymously through TipNow at 315-282-5426 or email at Hamilton@tipnow.com.

**Privacy of Resources**

The resources listed above (also listed in Addendum A) can provide different levels of privacy. An overview of these different levels of privacy follows:

**Confidential resources** are those required to keep all information disclosed to them confidential within the legal and ethical bounds of their profession. At Hamilton, these individuals include:

- All staff in the Counseling Center, including the Counselor on Call
- All staff in the Health Center, including student EMTs
- All staff in the Chaplaincy

Confidential resources can direct individuals towards other avenues of support as well, including providing information about Hamilton’s process for pursuing disciplinary action.

**Non-confidential resources** are all faculty and staff who are not listed above, including student Resident Advisors employed by the Office of Residential Life. These individuals are “Responsible Employees” (defined further below) who must report an act of alleged misconduct to the Title IX Coordinator. General questions about Hamilton’s policies and procedures, or conversations where specific individuals or acts are not identified or implied, may remain private.
Additional protected resources for individuals impacted by a prohibited act include student-run programs such as Hamilton’s Peer Advocates (advocate@hamilton.edu). Volunteers in these programs are not Responsible Employees and are not required to report any information. In addition, information disclosed at public awareness events such as “Take Back the Night” is not considered notice of an act described in this Policy and cannot be used to trigger an investigation.

Definitions

The following definitions outline the types of Sexual Misconduct prohibited under this Policy and identify the individuals and processes involved in the investigation of and response to allegations of those prohibited acts:

Prohibited Acts

Sexual harassment is defined as unwelcome verbal or physical conduct of a sexual nature that has the effect of unreasonably interfering with an individual’s work or academic performance or that creates an intimidating, hostile, or offensive working, educational, or living environment. A form of quid pro quo (this for that) sexual harassment exists when submission to or rejection of unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature results in adverse educational or employment action, or the threat of such adverse action, or limits or denies an individual’s educational or employment access, benefits, or opportunities.

The determination of whether an environment is “hostile” must be based on all the circumstances. These circumstances could include, but are not limited to:

- The frequency of the speech or conduct;
- The nature and severity of the speech or conduct;
- Whether the conduct was physically threatening;
- Whether the speech or conduct was humiliating;
- The effect of the speech or conduct on the complainant’s mental and/or emotional state;
- Whether the speech or conduct was directed at more than one person;
- Whether the speech or conduct arose in the context of other discriminatory conduct;
- Whether the speech or conduct unreasonably interfered with the complainant’s educational opportunities or performance (including study abroad), university-controlled living environment, work opportunities or performance;
- Whether a statement is a mere utterance of an epithet which engenders offense in an employee or a student or offends by mere discourtesy or rudeness; and/or
- Whether the speech or conduct deserves the protections of academic freedom

Sexual harassment also includes gender-based harassment, which may include acts of verbal, nonverbal or physical aggression, intimidation or hostility based on sex or sex- or gender-stereotyping, even if those acts do not involve conduct of a sexual nature.

Sexual harassment:

- May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- Does NOT have to include intent to harm, be directed at a specific target or involve repeated incidents.
- May be committed by anyone, regardless of gender, age, position, or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational or employment relationships, harassment can occur in any context.
• May be committed by a stranger, an acquaintance or someone with whom the Complainant has an intimate or sexual relationship.
• May be committed by or against an individual or may be a result of the actions of an organization or group.
• May occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation.
• May occur in the classroom, in the workplace, in residential settings, or in any other setting.
• May be a one-time event or can be part of a pattern of behavior.
• May be committed in the presence of others or when the parties are alone.
• May affect the Complainant and/or third parties who witness or observe harassment and are affected by it.

Examples of conduct that may constitute sexual harassment as defined above may include a severe, persistent or pervasive pattern of unwelcome conduct that includes one or more of the following:

• Physical conduct:
  o unwelcome touching, sexual/physical assault, impeding, restraining or blocking movements
  o unwanted sexual advances

• Verbal conduct:
  o making or using derogatory comments, epithets, slurs or humor, not pedagogically appropriate
  o verbal abuse of a sexual nature, graphic verbal commentaries about an individual’s body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations, not pedagogically appropriate
  o objectively offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes, or anecdotes, which a reasonable peer would find offensive and which are not pedagogically appropriate

• Visual conduct:
  o leering, making sexual gestures, displaying of suggestive objects or pictures, cartoon or posters in a public space or forum, not pedagogically appropriate
  o severe, persistent or pervasive visual displays of suggestive, erotic or degrading sexually oriented images, not pedagogically appropriate

• Written conduct: letters, notes or electronic communications containing comments, words or images described above, not pedagogically appropriate

• Quid pro quo conduct:
  o direct propositions of a sexual nature between those for whom a power imbalance or supervisory or other authority relationship exists
  o offering employment benefits in exchange for sexual favors
  o making submission to sexual advances an actual or implied condition of employment, work status, promotion, grades or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or work purpose
  o making or threatening reprisals after a negative response to sexual advances

**Non-Consensual Sexual Contact** is defined as any intentional sexual touching, however slight, with any body part or object, by a man or a woman upon a man or a woman, without effective consent.

**Non-Consensual Sexual Penetration** is defined as any sexual penetration (anal, oral, or vaginal), however slight, with any body part or object by a man or woman upon a man or woman, without effective consent.

**Sexual Exploitation** occurs when a person takes non-consensual or abusive sexual advantage of another, and that behavior does not otherwise constitute another form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, prostitution, non-consensual video or audio-taping of sexual or other private
activity, exceeding the boundaries of consent (e.g., permitting others to hide in a closet and observe consensual sexual activity, videotaping of a person using a bathroom), engaging in voyeurism, or engaging in consensual sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted diseases (STD) and without informing the other person of such infection.

**Retaliation** is defined as verbal or physical conduct that occurs in response to a complaint of harassment. Hamilton extends zero tolerance to those who retaliate for complaints of harassment. Hamilton College views retaliatory harassment to be just as severe as the initial harassment itself. Actions are considered retaliatory if they are in response to a good faith disclosure of real or perceived misconduct and the actions have a materially adverse effect on the working, academic or university-controlled living environment of an employee or student; or if the faculty, employee, or student can no longer effectively carry out his or her responsibilities.

**Domestic violence** is defined as a felony or misdemeanor crime of violence committed by:

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

This definition does not apply to roommates who have not expressed interest in entering into, or who have not entered into, a dating or sexual relationship. Under the Clery Act and the Campus SaVE Act, the College will record and report all relevant incidents of domestic violence.

**Dating violence** is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the person against whom the violent act is/acts are committed. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. Under the Clery Act and the Campus SaVE Act, the College will record and report all relevant incidents of dating violence.

**Stalking** occurs when a person engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

- **Course of conduct** means two or more acts, including but not limited to, 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 that may, but does not necessarily, require medical or other professional treatment or counseling.
- **Reasonable person** means a reasonable person under similar circumstances and with similarities to the victim.

Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the Internet, social networks, blogs, cell phones, texts or other similar devices or forms of contact are used to pursue, harass or to make unwelcome contact with another person in an unsolicited fashion. Under the Clery Act and the Campus SaVE Act, the College will record and report all relevant incidents of stalking.
Related Terms

Consent: In order for individuals to engage in sexual activity of any type with each other, there must be clear consent. Consent is permission, freely given by word or action, by both participants in a sexual activity. Since two people may experience the same interaction in different ways, it is the responsibility of both parties to make certain that the other has consented before engaging in any sexual activity. Silence cannot be assumed to show consent. Consent to some form of sexual activity cannot be automatically taken as consent to any other sexual activity and consent may be withdrawn at any time. Consent to an activity with one person does not imply consent to engage in that activity with another person. Consent to an activity in the past does not constitute consent in the future. All individuals who consent to sex must be able to understand what they are doing. In order to give consent, one must be of legal age, which is 17 in New York State. Even in the context of a current or previous intimate relationship, each party must consent to each instance of sexual contact each time. The consent must be based on mutually understandable communication that clearly indicates a willingness to engage in sexual activity. The mere fact that there has been prior intimacy or sexual activity does not – by itself – imply consent to future acts.

Coercion: Coercion is the use of pressure to compel another individual to initiate or continue sexual activity against an individual’s will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person’s words or conduct are sufficient to constitute coercion if they impair another individual’s ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to “out” someone based on sexual orientation, gender identity or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity. Coercing an individual into engaging in sexual activity violates this Policy in the same way as physically forcing someone into engaging in sexual activity.

Capacity to give consent: Incapacitation is a state where an individual cannot make an informed and rational decision to engage in sexual activity because the individual lacks conscious knowledge of the nature of the act (e.g., to understand the who, what, when, where, why or how of the sexual interaction) and/or is physically helpless. Incapacitation may result from the use of alcohol and/or drug, but consumption of alcohol or other drugs alone is insufficient to establish incapacitation. The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impact an individual’s:

- decision-making ability;
- awareness of consequences;
- ability to make informed judgments; and
- capacity to appreciate the nature and the quality of the act.

Evaluating incapacitation also requires an assessment of whether a Respondent knew or should have known that the Complainant was incapacitated. Individuals engaging in sexual activity should continually evaluate incapacitation throughout the encounter.

Persons who have sexual activity with someone whom they know to be— or could reasonably be expected to know to be— mentally or physically incapacitated (including being substantially impaired by alcohol or other drug use or unconscious) are in violation of this Policy, and any consent perceived to have been obtained is presumptively invalid. Possession, use and/or distribution of any of the so-called “date rape” drugs (including Rohypnol, Ketamine, GHB, Burundanga and others) is prohibited, and administering any of these drugs to another is a violation of this Policy.
Individuals and Processes

Complainant: An individual who has allegedly been subjected to Prohibit Conduct and is pursuing a complaint under the procedures outlined in this Policy. In the case of complaints that are pursued when the impacted individual does not want to participate in the process, Hamilton may pursue a complaint without such individual in which case Hamilton will be the Complainant.

Respondent: This is the individual whose conduct is alleged to have violated this Policy and whose conduct is being investigated.

Responsible Employees: The U.S. Department of Education’s Office for Civil Rights defines Responsible Employees as employees who have the authority to take action to redress sexual violence, who have been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX Coordinator or other appropriate school designee, or whom a student could reasonably believe have this authority or duty. Responsible Employees who receive information or a report about any act that potentially constitutes sexual assault, domestic violence, dating violence, or stalking must further report that information to the Title IX Coordinator. The following employees of the College are Responsible Employees: faculty, staff (except staff in the Counseling Center, the Health Center, and the Chaplaincy), and Resident Advisors. In addition, Responsible Employees are expected to make every effort to explain their duty to report to anyone disclosing, or about to disclose, information to them.

Title IX Coordinator: The individual who oversees the College’s centralized review, investigation, and resolution of reports of sexual assault and harassment pursuant to this Policy and the Sexual Misconduct Policy. The Title IX Coordinator also coordinates the College’s compliance with Title IX, including equitable, timely, and effective processing of complaints regarding violations of rights protected by Title IX. The Title IX Coordinator is:

- responsible for oversight of the investigation and resolution of all reports of sexual assault and harassment;
- knowledgeable and trained in relevant state and federal laws and College’s Policy and procedure;
- available to advise any individual, including a Complainant, a Respondent, or a third party, about the courses of action available at the College, both informally and formally, and the courses of action available externally, including reports to law enforcement;
- available to provide assistance to any Hamilton community member regarding how to respond appropriately to reports of sexual assault and harassment;
- responsible for monitoring full compliance with all requirements and timelines specified in the complaint procedures; and
- responsible for compiling required reports.

Harassment and Sexual Misconduct Board: The Harassment and Sexual Misconduct Board (HSMB or the Board) shall be composed of eight members, one of whom shall be the Chair, appointed by the Title IX Coordinator to staggered terms of four years beginning in the Fall semester. Each year, the current Board will solicit applications and nominations for any open seat(s), and will recommend individuals to serve for the following year. Members of the Hamilton community may also nominate individuals for Board membership, provided the nominees are willing to serve if appointed. The Title IX Coordinator, in consultation with the Chair, will ultimately be responsible for appointing new members and designating a new Chair. Normally, the Chair will be a tenured member of the faculty and serve for two years as Chair. Every effort will be made to maintain a gender balance on the Board, and membership normally will be limited to members of the faculty who have attained the rank of associate or full professor, and full-time staff members. The Title IX Coordinator shall arrange for the Board members to receive annual training.
Investigation Team: One member of the HSMB (who is not a member of the Harassment and Sexual Misconduct Review Panel, defined below) and an external expert investigator (generally an attorney) will serve as the team (the “Investigation Team”) that conducts investigations following notice of alleged misconduct and recommends a finding of responsibility to the Harassment and Sexual Misconduct Review Panel. Normally, to be eligible to serve on the Investigation Team, an HSMB member must have served for at least one year on the Board. Upon receipt of a complaint, the Title IX Coordinator will assign a member of the HSMB and retain the external investigator to begin the investigation. If the Title IX Coordinator determines that a legitimate conflict of interest exists between an Investigation Team member and a party to a complaint, the Title IX Coordinator, in consultation with the Chair of the HSMB, will appoint a replacement from those members of the Board eligible to serve.

Harassment and Sexual Misconduct Review Panel (HSMRP): The Title IX Coordinator will annually appoint a three person review panel (HSMRP) from the HSMB to review investigative reports, determine whether this Policy was violated, and, if so, recommend a sanction to the Senior Staff Member. The HSMB Chair serves as a non-voting fourth member of the HSMRP and presides over the review process. The term of appointment to the panel shall be one year. If any vacancy on the HSMRP occurs during the academic year, or if the Title IX Coordinator determines that a legitimate conflict of interest exists between a member of the panel and a party to a complaint, the Title IX Coordinator, in consultation with the Chair of the HSMB, will appoint a replacement from those members of the Board eligible to serve.

Senior Staff Member: The Vice President who has supervisory authority over the area of the College with which the Respondent is affiliated, and who will make the final decision following the HSMRP’s recommendation. The Vice President and Dean of Students is the Senior Staff Member with respect to complaints brought against a student. In the case of complaints brought against members of the faculty, staff, or administration, the Vice President of the area in which the Respondent is employed is the Senior Staff Member. For example, the Vice President for Academic Affairs and Dean of Faculty is the Senior Staff Member with respect to complaints brought against a faculty member.

Appeals Board: This is the group of individuals, defined in Hamilton’s Code of Conduct, that considers all appeals of findings and sanctions issued under this Policy. The Appeals Board will receive annual training on relevant state and federal law (including Title IX) and this Policy.

Confidentiality

Hamilton encourages the reporting of acts of sexual misconduct in order to help the College respond effectively to conduct that negatively impacts the safety of the community. The College also recognizes the importance of privacy and confidentiality. The following section describes how the College will maintain privacy while pursuing a complaint of misconduct, and how it will respond to requests for confidentiality.

General

In all cases of Sexual Misconduct covered by this Policy, Hamilton will limit the disclosure of information to only those individuals who are responsible for handling the school’s official response. When information is released, the College will notify the Complainant, where possible, of the nature of the information disclosed, to whom it was disclosed, and why.

In accordance with the Clery Act, the College must also report statistics concerning the occurrence on campus of major violent crimes, including certain sex offenses, in an annual report of campus crime statistics. This statistical report does not include any personally identifiable information. The College may issue a timely warning if a report of sexual misconduct presents information that there is an ongoing threat to the community. The announcement will include the nature of the violation and the action(s) being taken, using no names. Certain college administrators (e.g., the College President and Director of Campus Safety) may be provided additional
details on a need to know, private basis. The College will not inform students’ parents or guardians of their involvement in a complaint of harassment or sexual misconduct, but the Title IX Coordinator will speak with both parties about the student’s decision to personally inform their parents or guardians. College officials will directly inform a student’s parents or guardians when requested to do so by the student.

Requests for Confidentiality

If the Title IX Coordinator has received notice of an act covered by this Policy but the individual impacted requests confidentiality or otherwise asks that an investigation not be pursued, the Title IX Coordinator will make every effort to balance this request with Hamilton’s policy of providing a safe and non-discriminatory environment for all members of the community. Honoring such a request will limit Hamilton’s ability to conduct a thorough investigation and take appropriate disciplinary action. The Title IX Coordinator will consider many factors when determining whether or not the College can honor the request for confidentiality, including but not limited to whether:

- the individual impacted is a minor;
- the information provided suggests an increased risk that the alleged perpetrator has committed prior acts or will commit additional acts;
- the alleged misconduct was perpetrated with a weapon;
- the sexual violence was committed by multiple perpetrators;
- the information provided suggests that the act is part of a larger pattern at a specific location or by a particular group;
- information can be obtained by means other than from the impacted individual (e.g., by personnel or security cameras, witnesses, or through physical evidence).

If confidentiality cannot be maintained, the impacted individual will be informed of the decision prior to the start of an investigation. In addition, to the extent possible, the College will only share information with people responsible for handling the College’s response. In appropriate cases, the course of action may include steps to limit the effects of the alleged misconduct and prevent its recurrence that do not involve formal disciplinary action against a Respondent or revealing the identity of the Complainant.

In the event that the College proceeds with an investigation and is unable to maintain confidentiality, the College will continue to evaluate methods and measures to protect the reporting student from retaliation or harm. The Title IX Coordinator will work with the Complainant to create a safety plan. Retaliation against the reporting student(s), whether by students or College employees, will not be tolerated.

The College will also:

- assist the reporting student in accessing other available advocacy support, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus;
- provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the Respondent pending the outcome of an investigation) or adjustments for assignments or tests;
- inform the reporting student of her or his right to report a crime to local law enforcement and provide her or him with assistance if s/he wishes to do so.

If the College determines that it can respect a Complainant’s request for confidentiality, the College will also take immediate action as necessary to protect and assist the Complainant. Such protection and assistance could include: issuing a no contact order, helping arrange a change of living or working arrangements or course
schedules (including for the Respondent pending the outcome of an investigation) or adjustments for assignments or tests. The College will also assist the Complainant in accessing other available advocacy support, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus.

Protection from Retaliation

Hamilton prohibits retaliation for individuals who pursue complaints or who are otherwise involved in any of the processes outlined in this Policy. The College will take appropriate and strong responsive action if retaliation occurs.

Interim Measures

Upon receipt of a report pursuant to this Policy, the College will evaluate and impose reasonable and appropriate interim measures designed to eliminate the reported hostile environment and protect the parties involved, including measures specifically designed to reduce the burden on the Complainant. Interim measures may be imposed at any time regardless of whether formal disciplinary action is sought by the Complainant or the College and may be imposed prior to the commencement or conclusion of an investigation. Interim measures will be kept confidential to the extent that maintaining confidentiality would not impair the ability of the College to provide the interim measures.

The parties may request some form of interim measure, or the College may choose to impose interim measures at its discretion to ensure the safety of all parties, the broader College community, and/or the integrity of the investigative and/or complaint resolution process.

Possible interim measures include (but may not be applicable depending on the parties’ status as students or employees):

- limitations on the Respondent regarding contact with the Complainant during the investigation and while the complaint is being reviewed (typical in cases involving students);
- changing class schedules, including the ability to transfer course sections or withdrawal from a course without penalty;
- changing work schedules or job assignments;
- changing a student’s College owned housing;
- rescheduling of exams, papers, or other assignments;
- taking an incomplete in a class;
- transferring class sections;
- temporary withdrawal;
- alternative course completion options;
- access to counseling services on- and off-campus and assistance in setting up an initial appointment;
- limiting an individual’s or organization’s access to certain Colleges’ facilities or activities pending resolution of the matter;
- voluntary leave of absence;
- providing an escort to ensure safe movement between classes and activities;
- providing medical services;
- providing academic support services, such as tutoring;
- College-imposed leave or separation; and/or
- any other remedy that can be tailored to the involved individuals to achieve the goals of this Policy.
All individuals are encouraged to report concerns about failure of another individual to abide by restrictions imposed by an interim measure. The College will take immediate and responsive action to enforce a previously implemented measure.

**Complaint Response Procedures**

The following steps outline Hamilton’s process for addressing notice of sexual misconduct:

**Notice of Complaint**

Complaints of prohibited acts may be made verbally or in writing, and may come from the report of a Responsible Employee or directly from a Complainant. This will be considered “notice” that an act of misconduct is alleged to have occurred. This notice must ultimately be recorded in written form by the Complainant, Responsible Employee, or Title IX Coordinator, and must include, at a minimum, the time, place, and nature of the alleged offense and the name of the Respondent. After receiving notice, the Title IX Coordinator will determine if the conduct alleged by the Complainant falls within this Policy.

**Evaluation of Response Options**

After receiving notice, the Title IX Coordinator will determine if the conduct alleged by the Complainant falls within this Policy.

In cases where action against an alleged Respondent cannot be taken because that individual is not a member of the College community, the Title IX Coordinator will assess the information given and provide appropriate recommendations and resources to the Complainant.

In cases where it is determined that the act, if proven, does not fall within this Policy, no further action will be pursued and the Complainant will be advised by the Title IX Coordinator of other avenues of recourse and support as appropriate.

**Informal Resolution: Mediation**

In cases where the Title IX Coordinator and HSMB Chair determine that mediation may be appropriate, the Title IX Coordinator will first speak with the Complainant about the option to pursue mediation. If the Complainant is agreeable, then the Title IX Coordinator will meet with the Respondent to discuss the mediation process. Mediations will be facilitated by the Title IX Coordinator.

Mediation, even if voluntary, may not be used in cases involving sexual violence or assault. The College will not compel a Complainant to engage in mediation, to directly confront the Respondent or to participate in any particular form of a response, and a Complainant who initially requests mediation can later request to terminate mediation in favor of review by the HSMRP.

**Formal Resolution**

In cases where it is determined that the act, if proven, falls within this Policy, the procedures described in this Policy will be activated. This process will involve the Chair of the HSMB, the appropriate Senior Staff Member, the Title IX Coordinator, an Investigation Team, and the HSMRP. In the event the Complainant, Respondent, Chair of the HSMB, or Title IX Coordinator identifies a conflict of interest involving the Chair or the Title IX
Coordinator, the appropriate Senior Staff Member will appoint another member of the HSMB to oversee the process. If there is a conflict of interest involving the Senior Staff Member, the President of the College will take the place of the Senior Staff Member.

The Title IX Coordinator will meet with the Complainant and explain the investigation procedures that will be followed. The Title IX Coordinator will meet separately with the Respondent to provide written notification that Hamilton is investigating the possibility that the Respondent may have violated this Policy. Both parties will be provided a copy of this Policy.

**Respondent Acceptance of Responsibility**

The Respondent has the right to accept responsibility prior to an investigation. A Respondent choosing this path must provide the Senior Staff Member and the Chair a written statement accepting responsibility for the alleged violation and waiving the right to an investigation. In such cases, the appropriate Senior Staff Member – in consultation with the Chair and Title IX Coordinator – will determine a sanction, which may range from a warning to permanent separation from the College (in the case of students), and will respond within 48 hours to the Respondent with the assigned sanction. By accepting responsibility, the Respondent also waives the right to appeal and accepts the Senior Staff Member’s decision as final. If the Respondent does not agree to accept responsibility and disputes the description of alleged conduct, an investigation will proceed.

**Investigation of Complaint**

**General**

Hamilton College uses an investigation model to resolve complaints of sexual misconduct that involve allegations of sexual violence or sexual assault, that are not appropriate for voluntary mediation, or that a Complainant does not wish to mediate even if mediation could be pursued.

A trained Investigation Team will interview all parties and witnesses and collect relevant information. The Investigation Team is authorized to contact any relevant people and to access any relevant records not otherwise prohibited by legal protections of privilege or confidentiality. It is the responsibility of the Investigation Team to take custody of, and arrange safekeeping for, any physical or electronic records, documents, or other tangible items to be used in making a finding.

The Investigation Team will make every effort to conclude a thorough investigation, including submission of its written report, within 30 business days of the receipt of a complaint. Should a Respondent choose not to participate in the investigative process, the investigation may proceed, a decision will be made, and, if appropriate, a sanction may be imposed based on available information.

The Complainant and Respondent may have an advisor of their choice present at any meeting related to the investigation and resolution process, but these advisors can only advise the Complainant or Respondent privately and cannot act as speaking advocates. Parties must advise the Title IX Coordinator of the identity of their advisor of choice within five business days of receiving the Notice of Complaint.

In matters involving students, the College will typically issue “no contact” orders for the duration of the investigation and resolution process. In all other matters, the College will evaluate and implement measures intended to reduce the burden on the Complainant; the College’s evaluation of the appropriateness of such measures will be ongoing.
Rights of the Respondent and Complainant

Common Rights

Each party has the right to:

- preservation of privacy, to the extent possible and allowed by law;
- a timely investigation and appropriate resolution of all complaints of sexual misconduct through the processes described in this Policy;
- be informed of campus judicial rules and procedures as well as the nature and extent of all alleged violations contained within the complaint;
- (in the case of students) medical and emotional support from the Student Health Service, the Counseling Center, and/or trained advocates;
- (in the case of employees) medical and emotional support through the College’s Employee Assistance Program (1-888-293-6948);
- receive the counsel and support of an advisor of his or her choice throughout the investigation and resolution processes. The advisor may consult with the advisee but may not speak on behalf of the advisee unless directed to answer questions raised by the Investigation Team or HSMRP, or to assist the advisee with questioning;
- have irrelevant information concerning sexual history, character, or incidents not directly related to the complaint excluded from the investigation and resolution proceedings (the HSMB Chair and Title IX Coordinator may determine that information demonstrating a pattern of behavior directly related to the alleged violation is admissible information);
  - any party seeking to introduce information about prior sexual history or pattern evidence should bring this information to the attention of the Title IX Coordinator at the earliest opportunity. A party who provides this information and wishes to seek its consideration must submit a written request to the Title IX Coordinator no later than five (5) business days after the notice of complaint has been provided:
    - a written statement and/or description of the proposed information, if not already provided; and
    - a summary of the relevance of this information to making a decision of responsibility
  - Where sufficient foundation exists, the Title IX Coordinator, in consultation with the HSMB Chair, will assess the relevance, form, and reliability of the information and determine if it is appropriate for consideration by the Investigation Team. If the information is approved, the Respondent and Complainant will be provided with a brief description of the approved information before the close of the investigation.
- be informed of the names of any additional individuals who may be called by the HSMRP to provide information;
- have the College request the presence of individuals at investigative and resolution proceedings;
- review all documentary information available regarding the complaint and investigation, subject to the confidentiality limitations imposed by state and federal law and the ability of the Title IX Coordinator to exercise discretion to redact or remove information deemed to be irrelevant, more prejudicial than probative, an unwarranted invasion of privacy, immaterial, a statement of personal opinion, or a statement as to general reputation for a character trait;
- be notified of the HSMRP’s finding and recommended sanction following the HSMRP review;
- petition the Chair of the HSMB for removal of any member of the Investigation Team or HSMRP on the basis of demonstrated bias or conflict of interest;
- appeal the Senior Staff Member’s decision and sanction, in accordance with the standards for appeal established by this Policy;
- have complaints investigated and reviewed by individuals who have received annual training;
- have College policies and procedures followed without material deviation;
- be informed in advance of any public release of information regarding the complaint.
Additional Rights of the Complainant

- implementation of reasonably available measures to reduce the burden on the Complainant, which may include (but may not be applicable to all Complainants depending on their status as a student or an employee):
  - placement of limitations on the Respondent regarding contact with the Complainant during the investigation and while the complaint is being reviewed;
  - separation or modification of the working, living, and/or academic arrangements of the Complainant and the Respondent and the College’s assistance in effecting such change;
  - rescheduling of exams, papers, or other assignments;
  - taking an incomplete in a class;
  - transferring class sections;
  - temporary withdrawal; or
  - alternative course completion options.

- to be informed by College officials of options to notify appropriate law enforcement authorities and the option to be assisted by campus officials in notifying such authorities whether or not the individual intends to pursue on-campus complaint resolution procedures; and

- to provide information at any step of the procedures outlined in this Policy outside the presence of the Respondent.

Additional Rights of the Respondent

- to review the complaint made against him or her (subject to the ability of the Title IX Coordinator to exercise discretion to redact or remove information deemed to be irrelevant, more prejudicial than probative, an unwarranted invasion of privacy, immaterial, a statement of personal opinion, or a statement as to general reputation for a character trait), including timely notice of any HSMRP proceedings in which the Respondent could participate;
- to an investigative and resolution process as described in this Policy;
- to waive HSMRP proceedings by admitting responsibility following receipt of the formal Investigation Team report;
- to an outcome based solely on information obtained by the Investigation Team and during the HSMRP proceeding.

Procedures for Submitting and Accessing Information Collected During College’s Investigation

The Complainant and Respondent will be asked to identify all information they would like the Investigation Team to review, and as such both may recommend witnesses and submit information for consideration. Decisions about interviews and collection and evaluation of relevant information, physical or electronic documents, and other tangible items, however, are ultimately at the sole discretion of the Investigation Team in the context of impartial treatment of both parties. In the course of conducting interviews, the Investigation Team will ask any participant in the investigation to sign a statement attesting to the veracity of the information provided. The Investigation Team will also encourage all student participants to keep the substance of an interview confidential.

At the conclusion of the investigation, the Complainant and Respondent will have the opportunity to review the other party’s statement, witness statements and other relevant materials gathered during the course of the investigation. Prior to this review, however, the Title IX Coordinator and HSMB Chair will review those materials to determine whether the information contained therein is relevant and material to the determination of the charged violation(s) of this Policy given the nature of the allegation(s). In general, the Title IX Coordinator may redact information that is irrelevant, more prejudicial than probative, an unwarranted invasion of privacy, or immaterial. The Title IX Coordinator may also redact statements of personal opinion rather than direct
observations or reasonable inferences from the facts, and statements as to general reputation for any character trait, including honesty.

After such review and redaction, the Title IX Coordinator will facilitate the opportunity for each party to access the information separately in a private setting. Both parties will have an opportunity to respond to this information, in writing, within seven business days. If at any stage following the submission of these responses new and relevant information is gathered, it will be shared with the Complainant and Respondent, who will again have the opportunity to submit a written response within a time frame determined by the Title IX Coordinator. The Complainant and Respondent may request to see the other party’s written responses.

Following the initial seven-day review period by the Complainant and Respondent and any subsequent responses and gathering of new information, the Investigation Team will, within five business days, meet with the Chair and Title IX Coordinator to issue their final written report that includes relevant facts, all investigation materials, Complainant and Respondent statements and responses to the other’s statement, and any additional information gathered. The Investigation Team’s recommendation relative to violations of this Policy will be based on the preponderance of evidence standard (i.e. whether it was “more likely than not” that this Policy was violated).

**Simultaneous College and Law Enforcement Investigations**

When a Complainant reports to both local law enforcement and the College, there will be some coordination of the simultaneous investigations.

At the request of law enforcement, the College may agree to defer its fact-gathering until after the initial stages of a criminal investigation. During that time, the College will continue to offer support to the Complainant, including discussing Title IX rights, procedural options, and needed interim measures to ensure safety and well-being. The College will promptly resume its fact-gathering as soon as law enforcement has completed its initial investigation.

The College will timely share information in simultaneous investigations except that local law enforcement may manage sharing of information so as not to impede its ongoing investigation. In addition, the College’s ability to share information related to its own investigation and/or adjudication of certain offenses involving a student or students will be governed by the Family Educational Rights and Privacy Act, which prohibits disclosure of student education records containing personally identifiable information except under certain circumstances.

The College’s Policy, definitions, and standard of review differ from New York criminal law. Neither law enforcement’s determination whether to prosecute a Respondent nor the outcome of any criminal prosecution is determinative of whether sexual assault or harassment has occurred under this Policy. Proceedings under this Policy may be carried out prior to, simultaneously with or following civil or criminal proceedings off campus.

**Resolution Procedures**

**HSMRP Procedures and Guidelines**

Unless the Title IX Coordinator and the HSMB Chair determine that mediation is appropriate and the Complainant agrees to proceed with mediation as described above, the Title IX Coordinator will convene the HSMRP upon receipt of the final report from the Investigation Team. The HSMRP will review the final report and may request any additional relevant information from the investigators and/or to meet individually with any person(s). The Complainant or Respondent also has the right to meet separately with the HSMRP. The focus of any such meeting will only be to clarify information presented in the Investigation Team’s final report. Utilizing this information, the HSMRP is responsible for arriving at a determination of whether this Policy was violated.
and, if so, which specific portion(s). The HSMRP will apply a preponderance of evidence standard when arriving at a determination of whether this Policy was violated.

If the HSMRP determines that this Policy was not violated, no sanction will be recommended.

If the HSMRP determines that this Policy has been violated, the HSMRP will additionally recommend a sanction to the Senior Staff Member for the Respondent based on the nature of the violation and available precedent. Possible sanctions include:

- **Warning**: Notice, orally or in writing, that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.
- **Restitution**: Charges for damages, including replacement of goods, payment of services, and/or assignment of unpaid service to the College community.
- **Mandatory educational workshop** for alcohol or drug-related misconduct.
- **Loss of status in housing lottery**.
- **Status of Probation**: To be assigned for a specified period of time. Terms of the probation shall be specified, and may include denial of specified social privileges, exclusion from extracurricular activities and other measures deemed appropriate. Violation of this Policy or the College’s Code of Conduct during the period of probation will normally result in suspension or expulsion from the College.
- **Suspension**: Separation from the College, and exclusion from College premises, and from other privileges and activities. Readmission to the College after the term of suspension is not automatic, but requires application to the Dean of Students.
- **Expulsion**: Permanent termination of student status, and exclusion from College premises, privileges, and activities. An application for readmission shall not be considered. “Expulsion for Disciplinary Reasons” is recorded on the official College transcript. Students who have been expelled are expected to leave the campus within 48 hours unless the Dean of Students grants a special extension.
- **Other Actions**: In addition to or in place of the above actions, the Senior Staff Member may assign such other penalties, as it deems appropriate.

Individuals found responsible for Non-consensual Sexual Penetration should expect to be separated from the College.

The HSMRP will prepare a brief written summary of its determination and recommended sanction (if applicable) and submit it to the Senior Staff Member. The HSMRP will make every effort to conclude this process within ten business days of the receipt of the Investigation Team’s final report.

The Senior Staff Member will make the final decision based on the HSMRP’s determination and recommendation. The Senior Staff Member and Chair will meet separately with the Complainant and Respondent to inform them of the HSMRP’s determination and recommendation and the Senior Staff Member’s decision. Specifically, each party will be informed of the HSMRP’s determination of any policy violation(s), any sanction(s) issued, and procedures to appeal the decision. The findings will be confirmed in a writing delivered simultaneously to the parties.

**Respondent Withdrawal**

Should a Respondent choose to withdraw from the College prior to the Senior Staff member’s final decision following the HSMRP’s determination, the Respondent’s transcript will be noted that disciplinary charges were pending at the time of withdrawal.
Overall Time Frame for Investigation and Complaint Resolution

The College has established time frames with the goal of addressing and reaching a determination about all complaints in a timely and efficient manner. In general, parties can expect that the College will conclude all reports of sexual misconduct within sixty (60) days (exclusive of any appeal) and, in general, parties can expect that the process will proceed according to the time frames provided in this Policy. However, because circumstances may arise that require the extension of time frames—possibly beyond the overall sixty (60) day timeline—all time frames expressed in this Policy are meant to be guidelines rather than rigid requirements. Such circumstances may include the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation or other unforeseen circumstances. The College will provide written notice to all parties of the reason for any delay and the expected adjustment in time frames. The College will make its best efforts to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

Appeals

Any party may request an appeal of the Senior Staff Member’s final decision within five business days of being informed in writing of that decision. Acceptable grounds for an appeal are limited to:

- sanction inconsistent with the severity of the violation or with stated community standards and precedents; and/or
- procedural error(s) that had a material impact on the fairness of the hearing.

Previously unavailable relevant information that could significantly impact the result of the HSMRP’s determination must be brought to the attention of the HSMB, which will reconvene the HSMRP to determine whether the information would have affected the result.

Appeal Procedures

An appeal must be made in writing to the Chair of the Appeals Board, and must state in detail the reasons for the appeal. Appeals are heard by a two-member subset of the Appeals Board (Appeals Panel) consisting of the Chair of the Appeals Board and one other faculty member from the Appeals Board, determined by the Appeals Board Chair. In cases where the two selected members do not agree, the third Appeals Board member will review the case and make a determination. If there is a conflict of interest, a member of the Faculty Appeals Board will be appointed. The Chair of the Appeals Board will inform the Senior Staff Member and Chair of the HSMB that an appeal has been made and will invite the Senior Staff Member and Chair of the HSMB to make written statements to the Appeals Panel. Where an appeal is requested by the Respondent, the Complainant will be invited to respond. Where an appeal is requested by the Complainant, the Respondent will be invited to respond. Prior to this review, however, the Title IX Coordinator and HSMB Chair will review all materials to determine whether the information contained therein is relevant and material to the determination of the charged violation(s) of this Policy given the nature of the allegation(s). In general, the Title IX Coordinator may redact information that is irrelevant, more prejudicial than probative, an unwarranted invasion of privacy, or immaterial. The Title IX Coordinator may also redact statements of personal opinion rather than direct observations or reasonable inferences from the facts, and statements as to general reputation for any character trait, including honesty. Within five business days of the appeal, the Chair of the Appeals Board will convene the Appeals Panel to determine whether the appeal will be considered. In making that decision, the Appeals Panel will have access to the written records of the case.
If the Appeals Panel decides to consider the appeal, the Chair of the Appeals Board will schedule another meeting for consideration and disposition of the appeal. The Appeals Panel will have access to the same materials reviewed by the HSMRP. Normally, the parties, Senior Staff Member, and Chair of the HSMB will not appear before the Appeals Panel, though they may be summoned at the discretion of the Chair of the Appeals Board.

The Appeals Panel will not substitute its own judgment for that of the HSMRP and/or Senior Officer. Its terms of reference extend only to investigation of the procedures by which the original judgment was reached. The Appeals Panel may:

- Uphold the original decision.
- Remand the matter to the HSMRP. The Appeals Panel may take this action when there is a procedural irregularity that could be corrected in a review.
- Remand the matter to the appropriate Senior Staff Member with a recommendation that the penalty be modified, together with an explanation of why the original penalty is deemed inappropriate.
- Remand the matter to an ad hoc review panel composed of members of the HSMB not previously involved in the matter. This will be done only in extraordinary cases when, in the considered opinion of the Appeals Panel, the matter would be best addressed by a newly-constituted panel.

The Appeals Panel will provide the parties, the Senior Staff Member, and the Chair of the Appeals Board written notice of its decision, including grounds for the decision. The record of the appeal will consist of the letter of appeal; any written statements from the parties, Senior Staff Member and/or Chair of the HSMB; and the written decision whether to hear the appeal and the outcome of the appeal. This record will be appended to the written record of the original decision and will be kept with it.

Decisions of the Appeals Panel are final.

**Education and Prevention Programs**

The College is committed to educating and promoting community awareness about the prevention of sex discrimination and harassment, sexual harassment, sexual violence, stalking, domestic violence, dating violence, and sex- and gender-based harassment that does not involve conduct of a sexual nature. The College will offer programs to promote awareness and prevention of such issues throughout the year, including an overview of the College’s policies and procedures, relevant definitions (including prohibited conduct, discussion of the impact of alcohol and illegal drug use, and effective consent), and information about bystander information and risk reduction.

The Title IX Coordinator and others designated by the Title IX Coordinator oversee the development and implementation of the College’s education and prevention programs, which are based on campus needs and climate. Incoming first-year students and new employees will receive primary prevention and awareness programming as part of their orientation. Returning students and employees will receive ongoing training on a periodic basis. All educational programs include a review of resources and reporting options.

**Annual Report**

At the end of each academic year, the Title IX Coordinator shall prepare a report that will include the number of notices of alleged misconduct, the kinds of behaviors that gave rise to complaints during that academic year, and the final resolution of those complaints. The Title IX Coordinator will make the annual report public at the beginning of the next academic year. The report shall not mention the name of any individual or contain identifying details of any case.
Records

The Title IX Coordinator shall keep on file in his or her office for seven years from the date of the filing of the formal complaint the following written documentation: notice of complaint and related no contact orders, the investigation report and supporting materials, HSMRP summary and recommendation, the Senior Staff member's written finding and sanction notification (if applicable), and the appeals record.

Policy Amendment

Members of the community may suggest changes to members of the HSMB or the Title IX Coordinator, who shall bring them to the Board for discussion. Final policy changes, other than updates to contact information included in this policy, are to be approved by the President of the College.

Inquiries Related to This Policy and Title IX

The College encourages members of the Hamilton community to bring any and all questions or concerns about this Policy and/or Title IX to the Title IX Coordinator: Meredith Harper Bonham at 315-859-4020 or mbonham@hamilton.edu.

Members of the Hamilton community may submit inquiries or complaints concerning Title IX to the U.S. Department of Education’s Office for Civil Rights:

U. S. Department of Education, Office for Civil Rights  
New York Office  
32 Old Slip, 26th Floor  
New York, New York 10005-2500  
Phone: 646-428-3800  
Fax: 646-428-3843  
Email: OCR.NewYork@ed.gov

OCR National Headquarters  
U. S. Department of Education  
Office of Civil Rights, Customer Service Team  
Mary E. Switzer Building  
330 C. Street, S.W.  
Washington, D. C. 20202  
Phone: 800-421-3481  
Fax: 202-205-9862

Inquiries involving employees may also be referred to:

New York State Division of Human Rights  
Office of Sexual Harassment  
55 Hanson Place, Suite 347  
Brooklyn, New York 11217  
Phone: 718.722.2060 or 1.800.427.2773  
Fax: 718.722.4525

U.S. Equal Employment Opportunity Commission  
National Headquarters  
131 Main Street NE Fourth Floor Suite 4NW02F  
Washington, D.C. 20507
Portions of this Policy were adapted from policies of NCHERM, SUNY University at Buffalo, Skidmore College, and Middlebury College. This Policy also reflects principles and legal obligations established in the following:

- Policy and Programming Changes Pursuant to the Campus SaVE Provisions of the Violence Against Women Act, Office of General Counsel, State University of New York, July 2014
- The Campus Sexual Violence Elimination Act of 2013 (Campus SaVE Act, 2013 VAWA Reauthorization Act)
- Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act
- Violence Against Women Act (VAWA)
- United States Department of Education Office for Civil Rights Questions and Answers on Title IX and Sexual Violence April 29, 2014
- United States Department of Education Office for Civil Rights Dear Colleague Letter April 4, 2011
- Not Alone: The First Report of the White House Task Force to Protect Students From Sexual Assault April 2014

This Policy was revised on September 19, 2014.

Addendum A: Resources

Title IX Coordinator

Hamilton’s Title IX Coordinator is: Meredith Harper Bonham, Senior Associate Dean of Students. She can be reached in the Dean of Student’s Office by calling 315-859-4020 or emailing mbonham@hamilton.edu.

Confidential Resources

The Counseling Center can be reached at 315-859-4340. The Counselor on Call can be reached through Campus Safety at 315-859-4000. The Chaplaincy can be reached at 315-859-4130.

Anonymous disclosures of information related to misconduct can be reported through “TipNow” by telephone at 315-282-5426 or email at Hamilton@tipnow.com.

YWCA of the Mohawk Valley Rape Crisis Services can be reached at 315-797-7740.

The Health Center can be reached at 315-859-4111. Emergency Medical Technicians (EMTs) can be reached through Campus Safety at 315-859-4000.

The Chaplaincy can be reached at 315-859-4130; information about individual chaplains and their contact information is available on the Chaplaincy site.
Addendum B: New York Crime Definitions

The Violence Against Women Act (VAWA) and its proposed regulations require the inclusion of certain New York State definitions in a campus’s Annual Security Report and also require that those definitions be provided in campaigns, orientations, programs and trainings for employees and students. Definitions required include: consent; dating violence; domestic violence; sexual assault; and stalking.

CONSENT: Lack of consent results from: forcible compulsion; or incapacity to consent; or where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor’s conduct. Where the offense charged is rape in the third degree, a criminal sexual act in the third degree, or forcible compulsion in circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor’s situation would have understood such person’s words and acts as an expression of lack of consent to such act under all the circumstances. A person is incapable of consent when he or she is: less than 17 years old; or mentally disabled; or mentally incapacitated; or physically helpless; or committed to the care and custody of the state department of correctional services, a hospital, the office of children and family services and is in residential care, or the other person is a resident or inpatient of a residential facility operated by the office of mental health, the office for people with development disabilities, or the office of alcoholism and substance abuse services, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such department or hospital.

- **CONSENT, ABBREVIATED:** Clear, unambiguous, and voluntary agreement between the participating to engage in specific sexual activity.

DATING VIOLENCE: New York State does not specifically define “dating violence.” However, under New York Law, intimate relationships are covered by the definition of domestic violence when the act constitutes a crime listed elsewhere in this document and is committed by a person in an “intimate relationship” with the victim. See “Family or Household Member” for definition of “intimate relationship.”

DOMESTIC VIOLENCE: An act which would constitute a violation of the penal law, including, but not limited to acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted murder, criminal obstruction or breaching or blood circulation, or strangulation; and such acts have created a substantial risk of physical or emotional harm to a person or a person’s child. Such acts are alleged to have been committed by a family member. The victim can be anyone over the age of sixteen, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person’s child is a victim of the act.

- **FAMILY OR HOUSEHOLD MEMBER:** Person’s related by consanguinity or affinity; Persons legally married to one another; Person formerly married to one another regardless of whether they still reside in the same household; Persons who have a child in common regardless of whether such persons are married or have lived together at any time; Unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; Persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors that may be considered in determining whether a relationship is an “intimate relationship” include, but are not limited to: the nature or type of relationship regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be
deemed to constitute an “intimate relationship”: Any other category of individuals deemed to be a victim of domestic violence as defined by the office of children and family services in regulation. Intimate relationship status shall be applied to teens, lesbian/gay/bisexual/transgender, and elderly individuals, current and formerly married and/or dating heterosexual individuals who were, or are in an intimate relationship.

- **PARENT:** means natural or adoptive parent or any individual lawfully charged with a minor child’s care or custody.

**SEXUAL ASSAULT:** New York State does not specifically define sexual assault. However, according to the Federal Regulations, sexual assault includes offenses that meet the definitions of rape, fondling, incest, or statutory rape as used in the FBI’s UCR program.

**SEX OFFENSES; LACK OF CONSENT:** Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without consent of the victim.

**SEXUAL MISCONDUCT:** When a person (1) engages in sexual intercourse with another person without such person’s consent; or (2) engages in oral sexual conduct or anal sexual conduct without such person’s consent; or (3) engages in sexual conduct with an animal or a dead human body.

**RAPE**

- **RAPE IN THE THIRD DEGREE:** When a person (1) engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) Being 21 years old or more, engages in sexual intercourse with another person less than 17 years old; or (3) engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

- **RAPE IN THE SECOND DEGREE:** When a person (1) being 18 years old or more, engages in sexual intercourse with another person less than 15 years old; or (2) engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense to the crime of rape in the second degree the defendant was less than four years older than the victim at the time of the act.

- **RAPE IN THE FIRST DEGREE:** When a person engages in sexual intercourse with another person (1) by forcible compulsion; or (2) Who is incapable of consent by reason of being physically helpless; or (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

**STALKING**

- **STALKING IN THE FOURTH DEGREE:** When a person intentionally, and for not legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct (1) is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person’s immediate family or a third party with whom such person is acquainted; or (2) causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person’s immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or (3) is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person’s place of employment or business, and the actor was previously clearly informed to cease that conduct.
• **STALKING IN THE THIRD DEGREE:** When a person (1) Commits the crime of stalking in the fourth degree against any person in three or more separate transactions, for which the actor has not been previously convicted; or (2) commits the crime of stalking in the fourth degree against any person, and has previously been convicted, within the preceding ten years of a specified predicate crime and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) with an intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person’s immediate family; or (4) commits the crime or stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree.

• **STALKING IN THE SECOND DEGREE:** When a person: (1) Commits the crime of stalking in the third degree and in the course of and furtherance of the commission of such offense: (a) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, slingshot, slungshot, shirken, “Kung Fu Star,” dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapons; or (b) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or (2) commits the crime of stalking in the third against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree; or (4) being 21 years of age or older, repeatedly follows a person under the age of fourteen or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of fourteen in reasonable fear of physical injury, serious physical injury or death; or (5) commits the crime of stalking in the third degree, against ten or more persons, in ten or more separate transactions, for which the actor has not been previously convicted.

• **STALKING IN THE FIRST DEGREE:** When a person commits the crime of stalking in the third degree or stalking in the second degree and, in the course and furtherance thereof, he or she intentionally or recklessly causes physical injury to the victim of such crime.

**CRIMINAL SEXUAL ACT**

• **CRIMINAL SEXUAL ACT IN THE THIRD DEGREE:** When a person engages in oral or anal sexual conduct (1) with a person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) being 21 years old or more, with a person less than 17 years old; (3) with another person without such persons consent where such lack of consent is by reason of some factor other than incapacity to consent.

• **CRIMINAL SEXUAL ACT IN THE SECOND DEGREE:** When a person engages in oral or anal sexual conduct with another person (1) and is 18 years or more and the other person is less than 15 years old; or (2) who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense that the defendant was less than four years older than the victim at the time of the act.

• **CRIMINAL SEXUAL ACT IN THE FIRST DEGREE:** When a person engages in oral or anal sexual conduct with another person (1) by forcible compulsion; (2) who is incapable of consent by reason of being physically helpless; (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

• **FORCIBLE TOUCHING:** When a person intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor’s sexual desire. It includes squeezing, grabbing, or pinching.
SEXUAL ABUSE

- **PERSISTENT SEXUAL ABUSE:** When a person commits a crime of forcible touching, or second or third degree sexual abuse within the previous ten year period, has been convicted two or more times, in separate criminal transactions for which a sentence was imposed on separate occasions of one of the above mentioned crimes or any offense defined in this article, of which the commission or attempted commissions thereof is a felony.

- **SEXUAL ABUSE IN THE THIRD DEGREE:** When a person subjects another person to sexual contact without the latter’s consent. For any prosecution under this section, it is an affirmative defense that (1) such other person’s lack of consent was due solely to incapacity to consent by reason of being less than 17 years old; and (2) such other person was more than 14 years old and (3) the defendant was less than five years older than such other person.

- **SEXUAL ABUSE IN THE SECOND DEGREE:** When a person subjects another person to sexual contact and when such other person is (1) incapable of consent by reason of some factor other than being less than 17 years old; or (2) less than 14 years old.

- **SEXUAL ABUSE IN THE FIRST DEGREE:** When a person subjects another person to sexual contact (1) by forcible compulsion; (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old; or (4) when the other person is less than 13 years old.

AGGRAVATED SEXUAL ABUSE

- **AGGRAVATED SEXUAL ABUSE:** For the purposes of this section, conduct performed for a valid medical purpose does not violate the provisions of this section.

- **AGGRAVATED SEXUAL ABUSE IN THE FOURTH DEGREE:** When a person inserts a (1) foreign object in the vagina, urethra, penis or rectum of another person and the other person is incapable of consent by reason of some factor other than being less than 17 years old; or (2) finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than 17 years old.

- **AGGRAVATED SEXUAL ABUSE IN THE THIRD DEGREE:** When a person inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person (1)(a) by forcible compulsion; (b) when the other person is incapable of consent by reason of being physically helpless; or (c) when the other person is less than 11 years old; or (2) causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.

- **AGGRAVATED SEXUAL ABUSE IN THE SECOND DEGREE:** When a person inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person by (1) forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old.

- **AGGRAVATED SEXUAL ABUSE IN THE FIRST DEGREE:** When a person subjects another person to sexual contact: (1) By forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than eleven years old; or (4) when the other person is less than thirteen years old and the actor is twenty-one years old or older.

COURSE OF SEXUAL CONDUCT AGAINST A CHILD

- **COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE SECOND DEGREE:** When over a period of time, not less than three months, a person: (1) Engages in two or more acts of sexual conduct with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual conduct with a child less than 13 years old. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charges offense occurred outside of the time period charged under this section.
• COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE FIRST DEGREE: When a person over a period of time, not less than three months in duration, a person: (1) Engages in two or more acts of sexual conduct, or aggravated sexual contact with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual conduct which includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct, or aggravated sexual contact with a child less than 13 years old.

• FACILITATING A SEX OFFENSE WITH A CONTROLLED SUBSTANCE: A person is guilty of facilitating a sex offense with a controlled substance when he or she: (1) knowingly and unlawfully possesses a controlled substance or any preparation, compound, mixture or substance that requires a prescription to obtain and administers such substance or preparation, compound, mixture or substance that requires a prescription to obtain to another person without such person’s consent and with intent to commit against such person conduct constituting a felony defined in this article; and (2) commits or attempts to commit such conduct constituting a felony defined in this article.

INCEST

• INCEST IN THE THIRD DEGREE: A person is guilty of incest in the third degree when he or she marries or engages in sexual intercourse, oral sexual conduct or anal sexual conduct with a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.

• INCEST IN THE SECOND DEGREE: A person is guilty of incest in the second degree when he or she commits the crime of rape in the second degree, or criminal sexual act in the second degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.

• INCEST IN THE FIRST DEGREE: A person is guilty of incest in the first degree when he or she commits the crime of rape in the first degree, or criminal sexual act in the first degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or half blood, uncle, aunt, nephew or niece.

Bias Crimes Compliance Statement

Hamilton College seeks to prepare all students to thrive as fully engaged citizens of a diverse and increasingly complex world. In keeping with this goal, Hamilton is duly committed to distinguishing itself as a living and learning community that values and exemplifies the inclusion of diverse persons and perspectives. However, no college or community is immune to problems that arise as a result of various forms of bias. As part of the College's commitment to an inclusive campus community, a Bias Incident Response Team and protocol has been developed to address incidents that occur on-campus or at any Hamilton-sponsored off-campus event. We urge all community members to familiarize themselves with the reporting protocol found in this document and to report promptly any incidents that violate the standards that we as a community seek to uphold.

What is a bias incident?

A bias incident is an action that violates college policy and is motivated, in whole or in part, by the perpetrator's bias or attitude against an individual or group based on perceived or actual personal characteristics, such as their race, religion, ethnicity, gender, sexual orientation, or disability.

Examples of bias incidents include harassment, intimidating or threatening comments or messages, vandalism of personal or college property, and defacing posters or signs. Bias incidents affect not only the individual victim or target of a specific action, but often make an entire group or community feel vulnerable and unwelcome. This is unacceptable at Hamilton College and will be treated as a serious offense that could include separation from the College.
What is a hate crime?

A hate crime, also called a bias crime or bias-related crime, is criminal activity motivated, in whole or in part, by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as their race, religion, ethnicity, gender, sexual orientation, or disability. In addition to the victim, members of the victim's group and the community as a whole can feel victimized by a hate crime.

Hate/bias crimes have received renewed attention in recent years, particularly since the passage of the federal Hate/Bias Crime Reporting Act of 1990 and the New York Penal Law 485.05 (Penal Law Article 485).

A person commits a hate crime when he or she commits a specified offense and either:

- intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or
- intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

Examples of specific crimes identifiable as hate crimes include murder, manslaughter, robbery, aggravated assault, burglary, motor vehicle theft, arson, forcible and non-forcible sex offenses, intimidation, destruction, damage or vandalism of property in which the victim is intentionally selected because of the actual or perceived protected category.

What are the penalties for committing hate crimes?

For most crimes, when a person is convicted of a hate crime, the crime is deemed to be one category higher than the specified offense the defendant committed, and the person is sentenced accordingly.

Penalties for hate crimes are very serious and range from fines to imprisonment for lengthy periods, depending on the nature of the underlying criminal offense, the use of violence or previous convictions of the offender. For specific information on sentencing, refer to Penal Law Article 485.

Hate crimes are prohibited, in separate ways, by New York State law and Hamilton College policy. Thus, offenders may be prosecuted under New York State criminal statutes and subject to disciplinary action by the Hamilton College. The College may pursue disciplinary action while criminal action is pending, or even if criminal justice authorities choose not to prosecute. In addition to any criminal penalties, students found responsible for a hate crime are subject to disciplinary action and penalties, which may include, among other penalties, separation from the College.

Reporting a Bias Incident or Hate Crime

All members of the Hamilton community are urged to report promptly any bias incident directed against a Hamilton community member or group that occurs on-campus or at any Hamilton-sponsored off-campus event.

To report an incident or crimes in progress call the Campus Safety emergency line at 315-859-4000 immediately.

To report a bias incident or hate crime, please complete the Bias Incident Report Form. A Bias Incident Report may be filed via an on-line form which, upon submission, is automatically directed to the Office of Campus
Safety. Alternatively, the report form may be printed and submitted to the Office of Campus Safety, the Dean of Students, or any member of the Bias Incident Response Team.

Upon receipt of a report, the Director of Campus Safety (or designee) will contact the Dean of Students or appropriate college officer, depending upon whether the complainant is a student or college employee, and the Bias Incident Response Team will be convened.

Prior to and during the process of filing a bias complaint, the complainant may receive the counsel and support of an advisor of his or her choice. The advisor may be any member of the Hamilton community (faculty, staff, coach or peer) and will provide support and guidance throughout the process. Neither Bias Incident Response Team members nor attorneys may serve as advisors. While the complainant may choose any Hamilton community member as an advisor; the list below is of faculty and staff who have volunteered to serve as advisors and who have specific knowledge of the Bias Incident Reporting process.

- **Phyllis Breland** - Director of Opportunity Programs/Director of Opportunity Pathways
- **Todd Franklin** - Professor of Philosophy
- **Joseph Mwantuali** - Professor of French
- **Steve Orvis** - Professor of Government
- **Sam Pellman** - Lenord C. Ferguson Professor of Music
- **Peter Rabinowitz** - Professor of Comparative Literature
- **Steve Yao** - Professor of English

The Bias Incident Response Team consists of:

- **Allen Harrison** - Chair, Bias Incident Response Team and Associate Dean of Students for Multicultural Affairs and Accessibility Services – 315-859-4021
- **Vivyan Adair** - Chair, Harassment and Sexual Misconduct Board and Professor of Women's Studies – 315-859-4330
- **Meredith Bonham** - Senior Associate Dean of Students for Strategic Initiatives and Title IX Coordinator - 315-859-4020
- **Robert Kazin** - Director of the Counseling Center (or designee) – 315-859-4340
- **Jeffrey Landry** - Associate Dean of Students for Health and Safety – 315-859-4021
- **Fran Manfredo** - Director of Campus Safety – 315-859-4141 (315-859-4000 in case of emergency)
- **Kiana Sosa** - Class of 2015
- **Amit Taneja** - Director of Diversity and Inclusion - 315-859-4252
- **Nancy Thompson** - Dean of Students – 315-859-4020
- **Kassandra Zaila** - Class of 2015

The Bias Response Team will respond in the following ways:

- review the report and ensure that an investigation is initiated in a timely manner
- a member of the team will be designated to ensure that the complainant is provided with appropriate support and referrals to resources on and off-campus and relevant updates concerning the investigation and resolution.
- work with college administrators, to determine how best to mitigate campus tensions arising from a complaint, whether or not that incident rises to the level of a policy violation
- collect and disseminate to the campus community information about reported bias incidents
Resources

Hamilton College

- Counseling and Psychological Services – 315-859-4340
- Dean of Students Office – 315-859-4020
- Student Health Services – 315-859-4111
- Residential Life Office – 315-859-4023
- Harassment and Sexual Misconduct Board – 315-859-4334
- Campus Safety – 315-859-4141 or 315-859-4000 if an emergency

Off-Campus

- Kirkland Police – 911 or 315-853-2924 for general information
- State Police – 315-366-6000
- Oneida County Sheriff 315-768-7804
- Hospitals and Urgent Care facilities
  - St. Luke's emergency department – 315-624-6112
  - St. Elizabeth's emergency department – 315-798-8111

Please note: the reporting system does not create a new category of prohibited behavior or a new process for members of the Hamilton community to be disciplined or sanctioned. The BIR Team has no authority to discipline any student or member of the faculty or staff. Reported conduct that may be a violation of college policy will be referred for action through existing disciplinary or judicial procedures. Reported conduct that may be a violation of law may also be referred to local law enforcement agencies.

Portions of this policy were adapted from policies of NCHERM, SUNY University at Buffalo and Skidmore College.

Crime Statistics policy and procedures

Policy and Procedures for preparing the annual disclosure of crime statistics can be found as Appendix 1 of this document.

General Definitions for Reported Statistics

The following definitions are used to report crimes listed in accordance with the Federal Bureau of Investigation Uniform Crime Reporting Guidelines.

- **Murder and Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.
- **Negligent Manslaughter:** The killing of another person through gross negligence.
- **Robbery:** The taking or attempting to take anything of value from the care, custody or control of another person or persons by force or threat of force or violence and/or putting the victim in fear.
- **Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. Some examples of severe or aggravated bodily injury are wounds requiring stitches, broken bones and internal injuries.
- **Burglary:** The unlawful entry of a structure to commit a felony or a theft.
- **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.
- **Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
• **Reportable Hate Crimes**: Any of the above crimes and any other crime involving bodily injury if the crime is motivated by hate. Hate crimes are defined as being those crimes that manifest evidence that the victim was intentionally selected because of the victim’s actual or perceived race, gender, religion, sexual orientation, ethnicity or disability.

• **Illegal Weapons Possession Violations**: The violations of laws and ordinances dealing with weapons offenses.

• **Drug Abuse Violations**: Violations of Federal, State and local laws relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs or marijuana.

**Liquor Law Violations**: The violations of State laws or local ordinances prohibiting the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor, maintaining unlawful drinking places, furnishing liquor to a minor; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned.

**Sexual Assault Definitions for Reported Statistics**

• **Sex Offenses** – Any sexual act directed against another person, forcibly and/or against that person’s will, where the victim is incapable of giving consent.

• **Rape**: The carnal knowledge of a person, forcibly and/or against that person’s will, or not forcibly or against the person’s will where the victim is incapable of giving consent because his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

• **Sodomy**: Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will, or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

• **Sexual Assault With An Object**: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will, or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

• **Forcible Fondling**: The touching of private body parts of another person for the purpose sexual gratification, forcibly and/or against the person’s will, or, not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity. Forcible fondling includes “indecent liberties” and “child molesting.”

• **Sex Offenses – Other** - Unlawful, non-forcible sexual intercourse includes the following:
  - *Incest*: Non-forcible sexual intercourse between persons related to each other within the degrees wherein marriage is prohibited.
  - *Statutory Rape*: Non-forcible sexual intercourse with a person who is under the statutory age of consent

**Hate Crime Statistics**

The College reports hate crimes precipitated against individuals or groups when the motivating reason, in whole or part, can be attributed to race, gender, religion, sexual orientation, national origin/ethnicity, gender identity or disability bias. In addition to murder, manslaughter, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson, the College also reports hate crimes attributed to larceny, simple assault, intimidation, and criminal mischief.
A hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender’s bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation or national origin/ethnicity, or gender identity.

Although there are many possible categories of bias, under Clery, only the following six categories are reported:

- **Race.** A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind (e.g., Asian, blacks, whites).
- **Gender.** A preformed negative opinion or attitude toward a group of persons because those persons are male or female.
- **Religion.** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g. Catholics, Jews, Protestants, atheists).
- **Sexual Orientation.** A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g. Gays, lesbians, heterosexual).
- **Ethnicity/national origin.** A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics).
- **Disability.** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.
- **Gender Identity.**
For Clery purposes, hate crimes include any offense in the following two groups that is motivated by bias.

<table>
<thead>
<tr>
<th>Categories of hate crime offenses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder and Non-negligent manslaughter</td>
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<tr>
<td>Sex offenses (Rape, Sodomy, Forcible fondling, Sexual Assault w/an object)</td>
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<td>Sex offenses (Incest, Statutory Rape)</td>
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<td>Robbery</td>
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<td>Aggravated assault</td>
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<td>Burglary</td>
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<td>Motor vehicle theft</td>
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<td>Arson</td>
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<td>Larceny-theft*</td>
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<tr>
<td>Simple assault*</td>
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<tr>
<td>Intimidation*</td>
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<tr>
<td>Destruction/damage/vandalism of property*</td>
</tr>
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</table>

* Denotes offenses that were added in 2011


**Hamilton Campus Hate Crime Statistics**

**2013:**
- One on-campus intimidation incident characterized by Sexual Orientation

**2012:**
- One on-campus vandalism incident characterized by ethnicity
- One on-campus vandalism incident characterized by Sexual Orientation
- One on-campus intimidation incident characterized by Sexual Orientation

**2011:**
- One on-campus intimidation incident characterized by gender
- One on-campus vandalism incident characterized by religion
- One on-campus vandalism incident characterized by Sexual Orientation
- Two on-campus vandalism incident characterized by ethnicity
<table>
<thead>
<tr>
<th>OFFENSE (Reported By Hierarchy)</th>
<th>YEAR</th>
<th>ON-CAMPUS</th>
<th>Non-Campus</th>
<th>Public Property</th>
<th>Residential Facilities</th>
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*In 2011, Campus Safety received two separate reports of sexual assault that occurred in calendar year 2006.

* In 2012, Campus Safety received one report of sexual assault that occurred in calendar year 2011.
## Hamilton Abroad - China Crime Statistics

<table>
<thead>
<tr>
<th>OFFENSE (Reported By Hierarchy)</th>
<th>YEAR</th>
<th>ON-CAMPUS</th>
<th>Non-Campus</th>
<th>Public Property</th>
<th>Residential Facilities</th>
<th>Total</th>
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</table>
**Personal Safety Tips**

**Traveling Off-Campus**

- Park in well-lit heavily populated areas
- Trust your instincts when something doesn’t feel right
- Be aware of your surroundings
- If you have a cellular phone have it turned on and easily accessible
- Do not leave valuable items visible in your vehicle
- Walk with others whenever possible
- Check the back seat of your vehicle before entering
- Report all suspicious behavior to local law enforcement authorities

**In the Event of Fire**

- Remain calm
- Dress warmly, get your keys, and evacuate the building promptly
- Activate the building fire alarm or notify Campus Safety immediately
- If a door is warm, do not open it
- If you are trapped in a room, seal the door and signal from a window.

**PREVENT System**

- **Prevention** is the most effective means of fighting crime
- **Record** the description of suspicious persons, do not confront them yourself
- **Escape** is the primary objective if you are in a dangerous situation
- **Value** your safety and the safety of others
- **Employ** common sense and awareness in your day-to-day activities
- **Notify** Campus Safety if you are the victim of a crime or witness one
- **Telephone** x4000 for any on-campus emergency
Annual Fire Safety Report

Fire Safety

Fire safety is one of the most important "safety" considerations on any college/university campus, in part because it is not just some minor program managed by a single administrative department. Rather, it is a complex system that concerns itself with both the design/maintenance of the many structures that make up the Hamilton College campus proper, as well as the behaviors of every student, employee and visitor. While the January 2000 Seton Hall dormitory fire was a momentous tragedy, the tangible result of this incident in New York State was new legislation and inspection/enforcement activities to hold all NYS colleges/universities accountable to full conformance with the fire code on an annual basis.

The New York State Division of Homeland Security and Emergency Services, Office of Fire Prevention & Control (OFPC) conducts annual "wall-to-wall" inspections of the entire Hamilton College campus each September, and assists the College with a number of student and employee training programs. While an effective fire safety program is not necessarily measured by the College successfully getting through an annual inspection without having to pay monetary penalties, it is nonetheless important for the Hamilton College community to understand what the OFPC is looking for. The following document is provided as an education tool to communicate the most frequent issues found during these annual inspections, and it also lays out some of the most noteworthy policy obligations that apply in our residences and work stations.

Fire Drills
Conducting fire drills is one of the College's many fire safety obligations. By NYS law, Hamilton must conduct at least 4 fire drills in each residence hall and 3 fire drills in all other non-residential facilities on an annual basis. Additional fire drills are required during the summer months for student and camp housing. Cumulatively, that's more than 200 fire drills Hamilton College must perform on an annual basis. Please be sure to evacuate your space promptly for every fire alarm signal you detect, and know the location of your initial gathering points. Employees should contact their respective Building Coordinators and students should contact their respective RA's for initial gathering point information. See the Emergency Planning & Preparedness link for additional information.
## Fire Safety Systems in Student Housing

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<tr>
<th>Hamilton College Residence Hall</th>
<th>Proprietary Fire Alarm Systems</th>
<th>Full Sprinkler Systems</th>
<th>Smoke Detection</th>
<th>Fire Extinguishers</th>
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2013/14 Fire Drills

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**FIRE SAFETY AT HAMILTON COLLEGE “A LAYMAN’S GUIDE”**

**FIRE SAFETY** is not just some service provided by an on-campus office or the local Fire Department, nor is it something that is purely tied to a building’s design (i.e. smoke/heat detectors, sprinklers, fire extinguishers, etc.). Rather, it is a combination of these AND each employee’s and student’s behaviors with regard to controlling/minimizing fire hazards in the first place. In other words, policies can be written, appropriate engineering and design practices can be implemented, and drills can be performed, but this is all irrelevant if the Hamilton College community fails to act in a responsible manner with regard to fire safety issues. This “layman’s guide” is not designed to be a formal policy document that outlines all of the fire safety compliance obligations on behalf of the College and its many constituents. Rather, it is a communication tool that hopes to bridge the gap between those compliance obligations and our collective behaviors as an institution, so as to 1—both minimize our susceptibility to fire safety hazards, and 2—improve our performance during the state mandated campus-wide fire safety inspections held each September.

**1. Building Detection/Suppression/Protection Equipment** Individual buildings on campus, and their occupants, are protected from fires through 2 general strategies. The 1st is the equipment designed to detect and suppress fires, including smoke, heat, and carbon monoxide detectors, as well as sprinkler systems and fire extinguishers. Beyond the incredible amount of effort that goes into maintaining the thousands of detectors and hundreds of sprinkler/extinguisher systems on campus, there is much that the community can also do to keep these systems maximally operable:
Smoke/Heat Detectors
These devices must be free to monitor ambient air conditions without obstruction.
They should never be touched or tampered with, in a fashion that impairs their monitoring capabilities.
Be careful when generating dusts (like vacuuming) or mists (like using hairspray or taking long showers) since detectors may interpret fine aerosols as smoke.

Sprinkler Systems/Heads
These devices—heads and associated piping—must not be obstructed in any fashion (like by hanging objects); Further, nothing should be stored (like boxes/papers on shelving) within 18” of a sprinkler head.

Fire Extinguishers
These devices must not be obstructed in any fashion (like by staged objects in front of cases, or on the extinguisher itself).
Further, these devices should only be used by properly trained personnel, and are only intended to respond to “incipient” fires, not full scale firefighting.

The 2nd type of fire protection equipment maintained by college buildings includes those devices which serve to 1—notify occupants that a potential fire/fire condition exists, 2—direct occupants to their evacuation routes, and 3—control the spread of the fire/fire conditions. These include fire alarm pull stations, audible/visual alarms, exit/egress signage, and fire/smoke doors.

Audible/Visual Fire Alarms
These devices must not be obstructed in any fashion (like by staged/hanging objects).
Evacuate whenever the alarm system is initiated.

Fire Alarm Pull Stations/Panels
These devices must not be obstructed in any fashion (like by staged/hanging objects).
Use the pull station if you see or suspect that there is a fire or fire condition, or in any other circumstance where emergency responders (Campus Safety) is needed, and other means of communication are unavailable.

Exit/Egress Signage
It is critically important (especially to those not familiar with a building) for exit/egress signage to be visible, unobstructed, and not tampered with, as they direct evacuating personnel to a means of egress.

Fire Doors
Fire doors are normally on self-closing devices, and they may or may not have magnetic hold opening devices that keep the doors open during non-emergency conditions.
You can also tell if your door is a fire door by a small metal template on the inside door jamb.
Never prop or obstruct a fire door, thereby impairing its ability to close during a fire.

Smoke Doors
Unlike fire doors, smoke doors exist merely to minimize the spread of smoke during a fire.
Smoke door are usually signified by the presence of a self-closing device, and sometimes a magnetic hold open as well.
Similar to fire doors, smoke doors may not be propped or otherwise obstructed from closing.

2. Combustible/Other Storage Practices
Anything that can burn, from clothing to books to boxes on a shelf, is considered a combustible. While no one expects every dorm room, office space and storage area to be neat and completely devoid of “clutter” at all times, a number of practices routinely result in fire safety violations, as follows:
Office Practices
Offices which store combustible material (like paper work, books, boxes, etc.) beyond the capacity of existing shelving space, are citable fire safety violations if such practices either: constitute an excessive fire load to the space, or would impede an occupant’s ability to evacuate in the event of a fire/alarm signal. Minimize combustible storage on office floors, or find more suitable storage locations outside of your office.

Dorm Room Practices
Decorative wall or ceiling hangings (like tapestries, tie-dye fabrics, flags, cloth articles, beer banners, etc.) that are combustible in nature, are forbidden from being staged in a student’s living quarters or common spaces. The only acceptable decorative wall/ceiling hangings include simple paper posters, or any of the articles from above which are either non-combustible by design (with a stamp/label to prove it) or those that are made non-combustible by shielding within a glass picture case.

Other Storage Practices
Miscellaneous materials, whether they are combustible or not, may never be stored in such a way as they obstruct or block an emergency exit/egress. Further, combustible materials may never be stored in mechanical spaces, such as boiler rooms, electrical panel closets, and attics with air handling equipment/ductwork.

3. Electrical Equipment/Devices/Appliances
While saying that all electrical equipment/devices/appliances must be UL listed and otherwise in good working condition is generally sufficient in many commercial/industrial settings, the unique nature of the academic world (especially in NYS) obligates the college to restrict a number of items for either code compliance or policy reasons. Although the examples/lists that follow are not exhaustive, they do address the most routine fire safety considerations relative to equipment/devices/appliances that arise at Hamilton.

Electrical Power/Connection Equipment—Extension Cords
To the greatest extent possible, electrical power should be drawn directly from existing AC power outlets. Where this is not possible or is otherwise not feasible, consider the following:

Light Duty Extension Cords
Light duty extension cords (typically yellow, white or brown) that are either single plug varieties or multi-plug adapters are forbidden on campus in any venue or location. It does not matter how long they are in use, or whether they are personally owned or owned by the college. If they run a radio in an office or student residence, they are a fire safety violation.

Heavy Duty Extension Cords
Heavy duty extension cords (typically orange or yellow) are permissible ONLY if they are for temporary purposes. Examples of approved uses of this type of cord are to run power tools or a fan to clean up a spill. It is not appropriate to use this type of cord for a computer workstation, desk lamp, TV or stereo equipment. These items are intended to be stationary, and the use of heavy duty cords in this manner will result in a fire violation.

Protected Outlet Strips
Protected outlet strips (with “trip” breakers) are the only approved device to provide electrical connection power on a less than temporary basis. These devices should never be “piggy-backed” one to another, and care should be taken to ensure they are not overloaded. Only 1 outlet strip is permitted per duplex outlet. Outlet strips with 15-20 foot cords are available as needed.
Electrical Devices/Appliances

Electrical Devices
The following devices are restricted from use in living and working spaces, as specified: Small air conditioning units (unless specifically approved/installed by the Physical Plant); Space heaters (again, unless specifically approved by the Physical Plant for a heat related problem associated with the facility/building). Electric blankets; Multi-plug adapters/gang boxes; and Specialty lighting, including halogen lights, lava lamps, and sun/heat lamps;

*Special note on multi-colored lamps—see pictures/box below:

Multi-Colored Lamps
These lamps types may only be used with bulbs at approved/UL listed wattages.

Electrical Appliances (Related to Food Cooking/Cooling/Preparation)
All students and employees are encouraged to eat and/or prepare food in established dining halls or other building/dormitory kitchenettes specifically designed for food preparation. The types of approved/unapproved devices in this category are dependent upon location, as follows:

Student Suites and Administrative Buildings with Kitchenettes:
- Since these locations are “designed” for food cooking activities, the only additional electrical appliances that are approved for use (beyond those that are provided for and maintained by the college) include blenders, coffeemakers, griddles, popcorn poppers, toaster ovens, and toasters. These approved devices MUST be used and staged in the kitchenettes themselves AT ALL TIMES. Student Living Quarters and All Other Building/Facility Locations:
- The only other approved electrical appliances for locations without kitchenettes include small combination microfridges/microwaves (as in the picture below), and coffeemakers/coffee pots with automatic shutoffs. These devices are approved since they are food “warming/cooling” appliances, as opposed to food cooking appliances.

Other Generally Approved Electrical Appliances (If UL Listed):
- The following appliances/devices are generally approved is UL listed and used safely:
  - Radios, stereos, electric razors, small portable televisions with self-contained antennas, personal computer with a rating of less than 200 watts, clocks, portable hair dryers, VCR/DVD players, fax machines, small fans and desk lamps. Electric hair curlers and hot combs should be used with caution (only one should be plugged in at a time).

Restricted Electrical Appliances Regardless of Location
- The following appliances are restricted from use in any college dormitory, or academic/administrative facility whatsoever:
  - Broilers, crock pots, electric frying pans, griddles, heating coils, hot plates, large microwave ovens (over 1000 watts), large refrigerators, deep fryers and George Foreman grills.

4. Other Hazardous Articles/Materials

Restricted Hazardous Articles
The following hazardous articles are restricted from use/storage in all living and working spaces on campus:
Candles or incense (whether lit or for decorative purposes only);
Real Christmas trees;
Holiday lights (the kinds that can be plugged in); and
Excessive combustible material (as per the above).
**Restricted Hazardous Materials**

Restricted hazardous materials generally include those materials which are flammable and/or explosive by their very nature, or are otherwise regulated by the NYS fire code. The specific types of hazardous materials which are restricted from use/storage in all living and working spaces on campus include the following:

- Fireworks;
- Firearm ammunition;
- Flammable/combustible liquids associated with cooking/painting/fuels, such as gasoline, kerosene, propane, aerosol paint cans, paint thinner, varnish, sterno, and camping fuels:
  - Any of these chemicals must be used/stored in designated areas, such as academic labs/studios or cooking areas;
  - Exception—Personal care products with flammable propellants (hair spray) are permissible.

Propane/charcoal grills:
- Regarding propane powered grills with attached propane tanks:
  - Such devices are forbidden from being used or stored within any living/working space, or upon covered porches/balconies/patios;
  - They should be both used and stored at least 10 feet away from any building structure, or upon uncovered decks external to a building.
- Regarding charcoal fired grills:
  - Small, portable charcoal grills (with legs less than 12 inches in length and a cooking surface no larger than 250 square inches) may be used external to buildings upon covered porches/balconies/patios so long as there is a non-combustible surface underneath (like a brick or stone catchment);
  - For charcoal grills larger than the above, they are forbidden from use upon covered porches/balconies/patios, and should observe the same 10 foot building clearance that applies to propane powered grills during use.
  - The use and possession of lighter fluid is prohibited. Only EZ-light type charcoal is permitted with a maximum of one bag allow to be stored by residents. Charcoal must always be kept dry to prevent spontaneous combustion, and should only be stored indoors or in a dry, enclosed area.
  - All spent coals/embers must be thoroughly extinguished prior to disposal.
  - Charcoal grills that are free of charcoal, coals, and ashes, may be stored indoors, upon covered porches/balconies/patios, or uncovered decks.

Smoking is prohibited inside all campus buildings/facilities by NYS law.

### 5. Responses to Fire Alarms (In General)

Although the college spends considerable time and resources to maintain and upgrade its fire detection and suppression equipment on campus, errant alarms will occur. They may be false alarms (where a detector or pull station is accidentally or purposefully activated), or they may be true alarms for errant reasons (where a smoke detector activates following exposure to steam). Further, the college is required to perform up to 4 fire drills every year, depending upon the building design and its occupancy type.

While the departments of Campus Safety and Physical Plant work very hard to minimize the number of false and errant alarms, it is very important for all students and employees to react to each and every fire alarm as if it’s the “real thing”. For fire alarms where the cause is not known, adhere to the guidance contained in this section. If the fire alarm is for a true fire or smoke condition, follow the guidance in the next section.

**RA’s and Students**

RA’s must communicate to the students they are advising as to where their respective “initial gathering points” are (building specific) so that a common muster point is identified for accountability purposes.

**Building Coordinators and Employees**

Similarly, Building Coordinators must communicate to the employees they represent as to where their respective “initial gathering points” are (building specific) so that a common muster point is identified for accountability purposes.
**Students/Employees Occupying Spaces Other Than Where They Principally Live/Work**
Faculty teaching classes of students, and faculty/administrators/staff supervising students or other employees, frequently perform such activities in buildings/facilities other than where all involved parties are principally accounted for as per the above. It is incumbent upon the employees in charge of the academic or administrative function to determine the building’s “initial gathering point” and communicate the location accordingly to those students/employees in their care/supervision.

6. **Responses to True Fires or Smoke Conditions Indicative of a Fire**
   Immediately report the fire to Campus Safety—x4000 by on-campus phone, 859-4000 by cell phone—or activate a nearby fire alarm pull station if one is accessible.
   Remain calm, turn lights on, and dress appropriately.
   If your door is cool to the touch:
   o First close any open windows in your room, then open door slowly.
   o Evacuate the building via designated emergency egress routes. Do not use elevators!
   o If there is smoke or heat, crawl on your hands and knees.
   Proceed to the INITIAL GATHERING POINT to await further instructions.
   If door is warm, DO NOT OPEN IT!
   o Seal the space under the door with a towel.
   o Open window, hang a sheet or towel out of the window, and close it.
   o Open window at regular intervals to announce your location, and then close it.

7. **Responsibility for Fire Safety, and Conclusions**
   As alluded to above, fire safety at Hamilton College is the responsibility of every student and employee. Adherence to no one single fire safety strategy is capable of eliminating every fire hazard. Only by a combination of design/engineering controls, safe working/learning/living practices, and appropriate student/employee behaviors, may the greater Hamilton College community minimize its collective risks to fire hazards in the first place.

Failure to follow the guidance contained in this document puts your lives and the lives of your fellow students and co-workers at risk. Additionally, non-conformance with the NYS Fire Code may result in formal violations/citations against the college. While the purpose of this document, again as noted, is to be educational and informative regarding fire safety considerations, every employee and student should realize that the college is legally and morally obligated to promote and manage fire safety accordingly. While “engineering and education” is the preferred methodology for achieving this goal, the college must take appropriate action against those who purposefully or willfully disregard fire safety, including but not limited to the following:
Disciplinary action up to and including expulsion for students and termination for employees who tamper with or otherwise disregard the fire safety equipment, policies and training they are afforded;
Departmental, professional, and personal financial responsibility for fire safety citations and penalties in certain situations where the violations in their living/working areas were easily correctable and communicated, but were not corrected within the time frames granted by NYS.

**Smoking Policy**

Smoking, defined as the burning of a lighted cigar, cigarette or pipe, is not permitted in any campus facility or entranceway. This policy applies to all student residences, including all rooms, lounges, and public spaces. By the NYS Indoor Air Quality Act, smoking is **prohibited** in all College buildings and facilities. As a further courtesy, smokers should stay at least 20 feet from any building entrance or air intake manifold.
Open Flame

Sources of open flame such as incense and candles are not permitted in residence hall rooms at any time.

Fire Statistics for On-Campus Student Housing 2013

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<tr>
<td>Heating Equipment</td>
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<tr>
<td>Hazardous Products</td>
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<tr>
<td>Machinery / Industrial</td>
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<tr>
<td>Natural</td>
<td>0</td>
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<tr>
<td>Other</td>
<td>1</td>
</tr>
<tr>
<td>Intentional Fire</td>
<td>0</td>
</tr>
<tr>
<td>Undetermined Fire</td>
<td>0</td>
</tr>
</tbody>
</table>
Violence Against Women Act (VAWA)

Hamilton College does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, and stalking. As a result, Hamilton College issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a College official. In this context, Hamilton College prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the College community.

For a complete copy of Hamilton College’s policy governing sexual misconduct, visit https://www.hamilton.edu/hsmb/harassment-and-sexual-misconduct-policy

A. Definitions

There are numerous terms used by Hamilton College in our policy and procedures.

Lack of Consent is defined in New York as:

1. Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without consent of the victim.

2. Lack of consent results from:

   ▪ Forcible compulsion; or

   ▪ Incapacity to consent; or

   ▪ Where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor’s conduct; or

3. Where the offense charged is rape in the third degree as defined in the New York State Penal Law, subdivision three of section 130.25, or criminal sexual act in the third degree as defined in subdivision three of section 130.40, in addition to forcible compulsion, circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances.

4. A person is deemed incapable of consent when he or she is:

   ▪ less than seventeen years old;
   ▪ or mentally disabled; or
   ▪ mentally incapacitated; or
   ▪ physically helpless; or
   ▪ committed to the care and custody or supervision of the state department of corrections and community supervision or a hospital, as such term is defined in subdivision two of section four hundred of the correction law, and the actor is an employee who knows or reasonably should know that such person is committed to the care and custody or supervision of such department or hospital. For purposes of this paragraph, “employee” means (i) an employee of the state department of corrections and community supervision who, as part of his or her employment, performs duties: (A) in a state correctional
facility in which the victim is confined at the time of the offense consisting of providing custody, medical or mental health services, counseling services, educational services, vocational training, institutional parole services or direct supervision to inmates; or (B) of supervising persons released on community supervision and supervises the victim at the time of the offense or has supervised the victim and the victim is still under community supervision at the time of the offense; or (ii) an employee of the office of mental health who, as part of his or her employment, performs duties in a state correctional facility or hospital, as such term is defined in subdivision two of section four hundred of the correction law in which the inmate is confined at the time of the offense, consisting of providing custody, medical or mental health services, or direct supervision to such inmates; or (iii) a person, including a volunteer, providing direct services to inmates in a state correctional facility in which the victim is confined at the time of the offense pursuant to a contractual arrangement with the state department of corrections and community supervision or, in the case of a volunteer, a written agreement with such department, provided that the person received written notice concerning the provisions of this paragraph; or

- committed to the care and custody of a local correctional facility, as such term is defined in subdivision two of section forty of the correction law, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such facility. For purposes of this paragraph, "employee" means an employee of the local correctional facility where the person is committed who performs professional duties consisting of providing custody, medical or mental health services, counseling services, educational services, or vocational training for inmates. For purposes of this paragraph, "employee" shall also mean a person, including a volunteer or a government employee of the state department of corrections and community supervision or a local health, education or probation agency, providing direct services to inmates in the local correctional facility in which the victim is confined at the time of the offense pursuant to a contractual arrangement with the local correctional department or, in the case of such a volunteer or government employee, a written agreement with such department, provided that such person received written notice concerning the provisions of this paragraph; or

- committed to or placed with the office of children and family services and in residential care, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to or placed with such office of children and family services and in residential care. For purposes of this paragraph, "employee" means an employee of the office of children and family services or of a residential facility in which such person is committed to or placed at the time of the offense who, as part of his or her employment, performs duties consisting of providing custody, medical or mental health services, counseling services, educational services, vocational training, or direct supervision to persons committed to or placed in a residential facility operated by the office of children and family services; or

- a client or patient and the actor is a health care provider or mental health care provider charged with rape in the third degree as defined in the New York State Penal Law, section 130.25, criminal sexual act in the third degree as defined in section 130.40, aggravated sexual abuse in the fourth degree as defined in the New York State Penal Law, section 130.65-a, or sexual abuse in the third degree as defined in section 130.55, and the act of sexual conduct occurs during a treatment session, consultation, interview, or examination; or a resident or inpatient of a residential facility operated, licensed or certified by (i) the office of mental health; (ii) the office for people with developmental disabilities; or (iii) the office of alcoholism and substance abuse services, and the actor is an employee of the facility not married to such resident or inpatient. For purposes of this paragraph, "employee" means either: an employee of the agency operating the residential facility, who knows or reasonably should know that such person is a resident or inpatient of such facility and who provides direct care services, case management services, medical or other clinical services, rehabilitative services or direct supervision of the residents in the facility in which the resident resides; or an officer or other employee, consultant, contractor or volunteer of the residential facility, who knows or reasonably should know that the person is a resident of such facility and who is in direct contact with residents or inpatients; provided, however, that the provisions of this paragraph shall only apply to a consultant, contractor or volunteer providing services pursuant to a contractual arrangement with the agency operating the residential facility or, in the
case of a volunteer, a written agreement with such facility, provided that the person received written notice concerning the provisions of this paragraph; provided further, however, "employee" shall not include a person with a developmental disability who is or was receiving services and is also an employee of a service provider and who has sexual contact with another service recipient who is a consenting adult who has consented to such contact.

Note: New York State does not define “consent” in its criminal statutes.

Consent is defined in the Hamilton College Code of Student Conduct as:

Permission, freely given by word or action, by both participants in a sexual activity. Since two people may experience the same interaction in different ways, it is the responsibility of both parties to make certain that the other has consented before engaging in any sexual activity. Silence cannot be assumed to show consent. Consent to some form of sexual activity cannot be automatically taken as consent to any other sexual activity and consent may be withdrawn at any time. Persons using alcohol or other drugs are considered unable to give consent if they cannot appreciate the nature and implications of a sexual interaction. All individuals who consent to sex must be able to understand what they are doing. In order to give consent, one must be of legal age, which is 17 in New York State.

Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercive behavior differs from seductive behavior in the type of pressure someone uses to get consent from another. When someone makes clear that he or she does not want sex, wants it to stop, or does not wish to go past a certain point of sexual interaction, continued pressure beyond that point is coercive.

Consent is: clear, unambiguous, affirmative, and mutually understood permission and agreement for each level of increased intimacy from holding hands to intercourse. Consent can be taken away at any time. Silence does not mean permission.

- Consent to some form of sexual activity cannot be automatically taken as consent to any other sexual activity.
- If the survivor is mentally or physically incapacitated, asleep, involuntarily physically restrained, impaired from the taking of so-called "date rape drugs," consent is not valid.
- If one person is incapacitated because of drug or alcohol, consent is not possible.
- If physical force, coercion, intimidation, and/or threats are used, there is no consent.
- In order to give consent one must be of legal age, which is 17 in New York State.

Persons who have sexual activity with someone whom they know to be - or could reasonably be expected to know to be - mentally or physically incapacitated (substantially impaired by alcohol or other drug use or unconscious) are in violation of this policy. This policy also covers someone whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of so-called "date rape" drugs. Possession, use and/or distribution of any of these substances (including Rohypnol, Ketamine, GHB, Burundanga and others) is prohibited, and administering any of these drugs to another for the purpose of inducing incapacity is a violation of this policy.

1. Non-Consensual Sexual Contact is any intentional sexual touching, however slight, with any body part or object, by a man or a woman upon a man or a woman, without effective consent.

2. Non-Consensual Sexual Penetration refers to any sexual penetration (anal, oral, or vaginal), however slight, with any body part or object by a man or woman upon a man or woman, without effective consent.

3. Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute
another form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, prostitution, non-consensual video or audio-taping of sexual or other private activity, exceeding the boundaries of consent (e.g., permitting others to hide in a closet and observe consensual sexual activity, videotaping of a person using a bathroom), engaging in voyeurism, or engaging in consensual sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of such infection.

**Sexual Assault:** “Sexual assault” means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Rape is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

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

Statutory Rape is defined as a non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Sexual Assault** is defined in New York as:

An offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. New York State Penal Law Article 130 denotes the following as sexual offenses:

- Sexual misconduct
- Rape in the third degree.
- Rape in the second degree.
- Rape in the first degree.
- Criminal sexual act in the third degree.
- Criminal sexual act in the second degree.
- Criminal sexual act in the first degree.
- Forcible touching.
- Persistent sexual abuse.
- Sexual abuse in the third degree.
- Sexual abuse in the second degree.
- Sexual abuse in the first degree.
- Aggravated sexual abuse in the fourth degree.
- Aggravated sexual abuse in the third degree.
- Aggravated sexual abuse in the second degree.
- Aggravated sexual abuse in the first degree.
- Course of sexual conduct against a child in the first degree.
- Course of sexual conduct against a child in the second degree.
- Female genital mutilation.
- Facilitating a sex offense with a controlled substance.
- Sexually motivated felony.
- Predatory sexual assault.
- Predatory sexual assault against a child.
The Hamilton College Code of Student Conduct defines sexual misconduct in the policy statement below.

Sexual misconduct is prohibited, in separate ways, by New York State law and Hamilton College policy. Thus, offenders may be prosecuted under New York State criminal statutes and subject to disciplinary action by the College. The College may choose to pursue disciplinary action while criminal action is pending, or even if criminal justice authorities choose not to prosecute.

In order for individuals to engage in sexual activity of any type with each other, there must be clear consent. Consent is permission, freely given by word or action, by both participants in a sexual activity. Since two people may experience the same interaction in different ways, it is the responsibility of both parties to make certain that the other has consented before engaging in any sexual activity. Silence cannot be assumed to show consent. Consent to some form of sexual activity cannot be automatically taken as consent to any other sexual activity and consent may be withdrawn at any time. Persons using alcohol or other drugs are considered unable to give consent if they cannot appreciate the nature and implications of a sexual interaction. All individuals who consent to sex must be able to understand what they are doing. In order to give consent, one must be of legal age, which is 17 in New York State.

Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercive behavior differs from seductive behavior in the type of pressure someone uses to get consent from another. When someone makes clear that he or she does not want sex, wants it to stop, or does not wish to go past a certain point of sexual interaction, continued pressure beyond that point is coercive.

Persons who have sexual activity with someone whom they know to be - or could reasonably be expected to know to be - mentally or physically incapacitated (substantially impaired by alcohol or other drug use or unconscious) are in violation of this policy. This policy also covers someone whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of so-called "date rape" drugs. Possession, use and/or distribution of any of these substances (including Rohypnol, Ketamine, GHB, Burundanga and others) is prohibited, and administering any of these drugs to another for the purpose of inducing incapacity is a violation of this policy.

1. Non-Consensual Sexual Contact is any intentional sexual touching, however slight, with any body part or object, by a man or a woman upon a man or a woman, without effective consent.

2. Non-Consensual Sexual Penetration refers to any sexual penetration (anal, oral, or vaginal), however slight, with any body part or object by a man or woman upon a man or woman, without effective consent.

3. Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute another form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, prostitution, non-consensual video or audio-taping of sexual or other private activity, exceeding the boundaries of consent (e.g., permitting others to hide in a closet and observe consensual sexual activity, videotaping of a person using a bathroom), engaging in voyeurism, or engaging in consensual sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of such infection.

**Domestic Violence:** The term “domestic violence” means

1) Felony or misdemeanor crimes of violence committed—

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

2) For the purposes of complying with the requirements of this section and section 668.41 of the CFR, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Domestic Violence** is defined in New York as:

1. "Victim of domestic violence” means any person over the age of sixteen, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of an act which would constitute a violation of the penal law, including, but not limited to acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted assault, attempted murder, criminal obstruction of breathing or blood circulation, or strangulation; and (i) such act or acts have resulted in actual physical or emotional injury or have created a substantial risk of physical or emotional harm to such person or such person's child; and (ii) such act or acts are or are alleged to have been committed by a family or household member.

2. "Family or household members" mean the following individuals:
   - persons related by consanguinity or affinity;
   - persons legally married to one another;
   - persons formerly married to one another regardless of whether they still reside in the same household;
   - persons who have a child in common regardless of whether such persons are married or have lived together at any time;
   - unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household;
   - persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors that may be considered in determining whether a relationship is an "intimate relationship" include, but are not limited to: the nature or type of relationship, regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an "intimate relationship"; or
   - any other category of individuals deemed to be a victim of domestic violence as defined by the office of children and family services in regulation.

3. "Parent" means a natural or adoptive parent or any individual lawfully charged with a minor child's care or custody.

**Dating Violence:** The term “dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

1) The existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

2) For the purposes of this definition-
   (i) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
   (ii) Dating violence does not include acts covered under the definition of domestic violence and section 668.41 of the CFR, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
New York State Law includes incidents of dating violence within its domestic violence laws. They are not categorized separately under New York State Law.

**Stalking:** The term “stalking” means
1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
   (i) Fear for the person’s safety or the safety of others; or
   (ii) Suffer substantial emotional distress.

2) For the purposes of this definition—
   (i) Course of conduct means two or more acts, including, but not limited to, acts 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.

   (ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

   (iii) Reasonable persons means a reasonable person under similar circumstances and with similar identities to the victim.

3) For the purposes of complying with the requirements of this section and section 668.41 of the CFR, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Stalking** is defined in New York as:

**Stalking in the fourth degree.**

A person is guilty of stalking in the fourth degree when he or she intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct:

- is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or

- causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or

- is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct. Stalking in the fourth degree is a class B misdemeanor.
Stalking in the third degree.

A person is guilty of stalking in the third degree when he or she:

- commits the crime of stalking in the fourth degree in violation of the New York State Penal Law, section 120.45 of this article against three or more persons, in three or more separate transactions, for which the actor has not been previously convicted; or

- commits the crime of stalking in the fourth degree in violation of the New York State Penal Law, section 120.45 of this article against any person, and has previously been convicted, within the preceding ten years of a specified predicate crime, as defined in subdivision five of section 120.40 of this article, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or

- with intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person's immediate family; or

- commits the crime of stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree. Stalking in the third degree is a class A misdemeanor.

Stalking in the second degree.

A person is guilty of stalking in the second degree when he or she:

- commits the crime of stalking in the third degree as defined in the New York State Penal Law, subdivision three of section 120.50 of this article and in the course of and in furtherance of the commission of such offense: (i) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, shotgun, machine gun, electronic dart gun, electronic stun gun, cane sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chukka stick, sand bag, sandclub, slingshot, shirken, "Kung Fu Star", dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapon; or (ii) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or

- commits the crime of stalking in the third degree in the New York State Penal Law, violation of subdivision three of section 120.50 of this article against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime as defined in subdivision five of section 120.40 of this article, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or

- commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree as defined in the New York State Penal Law, subdivision four of section 120.50 of this article against any person; or

- being twenty-one years of age or older, repeatedly follows a person under the age of fourteen or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of fourteen in reasonable fear of physical injury, serious physical injury or death; or

- commits the crime of stalking in the third degree, as defined in the New York State Penal Law, subdivision three of section 120.50 of this article, against ten or more persons, in ten or more separate
transactions, for which the actor has not been previously convicted. Stalking in the second degree is a class E felony.

**Stalking in the first degree.**

A person is guilty of stalking in the first degree when he or she commits the crime of stalking in the third degree as defined in the New York State Penal Law, subdivision three of section 120.50 or stalking in the second degree as defined in section 120.55 of this article and, in the course and furtherance thereof, he or she

- intentionally or recklessly causes physical injury to the victim of such crime; or
- commits a class A misdemeanor defined in the New York State Penal Law, article one hundred thirty or a class E felony defined in the New York State Penal Law, section 130.25, 130.40 or 130.85, or a class D felony defined in section 130.30 or 130.45 of the New York State Penal Law. Stalking in the first degree is a class D felony.

**B. Education and Prevention Programs**

The College engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:

a. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;

b. Defines using definitions provided both by the Department of Education as well as state law what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;

c. Defines what behavior and actions constitute consent to sexual activity in the State of New York and/or using the definition of consent found in the Student Code of Conduct if state law does not define consent;

d. Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;

e. Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.


The College has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students; participating in and presenting information and materials during new employee orientation;

The College offered the following **primary prevention and awareness programs for all incoming students** in 2013:
<table>
<thead>
<tr>
<th>Name of Program</th>
<th>Date Held</th>
<th>Location Held</th>
<th>Which Prohibited Behavior Covered?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mandatory First-Year Student Orientation Program on Alcohol and Sexual Assault</td>
<td>8/26/2013</td>
<td>Wellin Auditorium</td>
<td>DaV, SA*</td>
</tr>
<tr>
<td>Speak About It!: a mandatory first-year extended orientation program on sexual assault prevention and bystander intervention</td>
<td>9/16/2013</td>
<td>Wellin Auditorium</td>
<td>DaV, SA*</td>
</tr>
</tbody>
</table>

- DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

The College offered the following *primary prevention and awareness programs for all new employees* in 2013:

<table>
<thead>
<tr>
<th>Name of Program</th>
<th>Date Held</th>
<th>Location Held</th>
<th>Which Prohibited Behavior Covered?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exploring the implementation of a United Educators online course for new employees</td>
<td>TBD</td>
<td>Human Resources</td>
<td></td>
</tr>
<tr>
<td>New Faculty Orientation</td>
<td>August 23, 2013</td>
<td>Title IX Coordinator</td>
<td>SA</td>
</tr>
<tr>
<td>Staff Assembly Presentation</td>
<td>December 18, 2013</td>
<td>Title IX Coordinator</td>
<td>SA</td>
</tr>
<tr>
<td>Faculty Meeting Presentation</td>
<td>October 1, 2013</td>
<td>Title IX Coordinator</td>
<td>SA</td>
</tr>
</tbody>
</table>
The College offered the following **ongoing awareness and prevention programs** for **students** in 2013:

<table>
<thead>
<tr>
<th>Name of Program</th>
<th>Date Held</th>
<th>Location Held</th>
<th>Which Prohibited Behavior Covered?</th>
</tr>
</thead>
<tbody>
<tr>
<td>SAVES Peer Advocates Training</td>
<td>10/30/13</td>
<td>KJ Classrooms</td>
<td>DaV, SA</td>
</tr>
<tr>
<td>Presentations to classes</td>
<td>2/27/14, 3/5/14</td>
<td>Benedict Classrooms</td>
<td>DaV, SA</td>
</tr>
<tr>
<td>Yes Means Yes: positive sexuality discussion group</td>
<td>Six-week session in fall 2013, six-week session in spring 2014</td>
<td>Bristol and Spencer</td>
<td>DaV, SA</td>
</tr>
<tr>
<td>Sexual Assault Awareness Week</td>
<td>April 2014</td>
<td>Various campus locations</td>
<td>DaV, SA</td>
</tr>
</tbody>
</table>

- DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

The College did not offer ongoing awareness and prevention programs for employees in 2013.

C. **Procedures for Reporting a Complaint**

The College has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The College will make such accommodations, if the victim requests them and they are reasonably available, regardless of whether the victim chooses to report the crime to campus safety. Students and employees should contact **Meredith Harper Bonham, the Senior Associate Dean of Students/Title IX Coordinator** via telephone at 315-859-4020 or email at mbonham@hamilton.edu. Students or employees may also contact any member of the College’s Harassment and Sexual Misconduct Board. Board members are identified here: [https://www.hamilton.edu/hsmb/board](https://www.hamilton.edu/hsmb/board)

The Harassment and Sexual Misconduct Board stands ready to respond to complaints in a variety of ways. Anyone who wishes to discuss a concern may approach any individual member of the Board. The privacy of all parties to a complaint of harassment or sexual misconduct must be strictly respected by the Board and by supervisory Senior Staff member, unless strict privacy interferes with the College's obligation to investigate fully the allegations and to record statistics in keeping with the law. Where extended disclosure is warranted, privacy will still be tightly controlled on a need-to-know basis. Dissemination of information and/or written materials to
persons not involved in the complaint resolution procedure is not permitted. Campus clergy and professionals in the Counseling and Health Centers, including emergency medical technicians (EMTs), are the only Hamilton College employees who can offer legally protected confidentiality.

The College will not inform students' parents or guardians of their involvement in a complaint of harassment or sexual misconduct unless they are in major medical, disciplinary, or academic jeopardy, but students are strongly encouraged to inform their parents or guardians. College officials will directly inform a student's parents or guardians when requested to do so by the student.

If a complaint is initiated with an employee as respondent, or if a Senior Staff member or Director of Human Resources requests the involvement of the HSMB regarding an employee matter, the Title IX Coordinator and/or HSMB Chair will convene a subcommittee of non-student members of the Board for the purpose of conducting an investigation. At the conclusion of the investigation, the investigation subcommittee will issue to the Chair and relevant Senior Staff member a written report of the evidence gathered and of its findings. The Chair and Senior Staff member will then consult to determine the next appropriate action. If there is a conflict of interest involving the Senior Staff member, the investigation subcommittee will issue its report to the Chair and the President. In the event of a conflict of interest involving the Chair or the Title IX Coordinator, the Senior Staff member or President will appoint another non-student member of the HSMB to oversee the process.

The complainant has the option of three levels of response by the Harassment and Sexual Misconduct Board, which are briefly described below.

1. Information

A member of the community may talk with any member of the Board about the College's process regarding harassment or sexual misconduct. If they wish, a friend or advisor may accompany them. Under Title IX, however, an investigation would be deemed necessary when any alleged cases of non-consensual sexual misconduct or sexual harassment involving students are reported to a Board member or College employee.

2. Mediation

Allegations of sexual misconduct will not be addressed through mediation, but may be addressed through a formal complaint.

In the case of harassment, a complainant may request a referral to a campus mediator (e.g., a member of the Counseling Center staff or Human Resources) who will try to facilitate understanding of the nature of the complaint by the respondent, clear up misunderstanding, and resolve the complaint while maintaining confidentiality. Mediation is particularly appropriate when the complainant wants help in addressing the issue without pursuing formal action.

A person who desires mediation should notify the Chair and/or the appropriate Senior Staff member in writing, outlining the complaint and requesting mediation. The Dean of Students or the Dean’s designee will respond, with the Chair, to complaints brought by one student against another. The Dean of Faculty or the Dean’s designee will respond, with the Chair, to complaints against members of the faculty. The supervising Senior Staff member will respond, with the Chair, to complaints brought against a member of the staff or administration. The Chair and Senior Staff member will meet with the complainant and refer the complaint to a trained campus mediator. A person seeking mediation must agree to be identified to the respondent. A campus mediator will begin mediation efforts promptly and will report to the Chair that the mediation occurred. Complainants are strongly encouraged not to discuss the complaint with other members of the community, except as required by the need for psychological counseling.

At the conclusion of a successful mediation, both parties will sign a statement agreeing that the mediation was successful and that no further action will be taken under this policy. If the mediation is unsuccessful, the complainant can proceed to a formal complaint and hearing within six months of the mediation. A copy of the signed statement will constitute the record of the mediation.
3. Formal Complaint

An individual may file a formal complaint by submitting to the Chair a signed written statement, including the time, place and nature of the alleged offense and the name of the respondent, at a minimum.

This will activate the Harassment and Sexual Misconduct Board Procedures and will involve the Chair, the appropriate Senior Staff member, the Title IX Coordinator, an investigation subcommittee of the Board, and the Hearing Committee of the Board. The Dean of Students or the Dean’s designee will respond, with the Chair, to complaints brought by one student against another. The supervising Senior Staff member will respond, with the Chair, to complaints involving members of the faculty, staff, or administration. Once a formal complaint has been filed, a request by a student respondent to withdraw temporarily or permanently from the College will not be approved until the investigation and hearing processes have concluded.

If you are the Victim of Sexual or Domestic Abuse

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at St. Luke’s Hospital, located at 1656 Champlain Avenue, Utica, NY 13502. In the State of New York, evidence may be collected even if you chose not to make a report to law enforcement. Minors (persons under the age of 18) will be treated, but the hospital must alert law enforcement due to state law requirements involving the protection of children.

It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to College hearing boards/investigators or police.

Although the College strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim’s choice whether or not to make such a report and victims have the right to decline involvement with the police. The College will assist any victim with notifying local police if they so desire. The Kirkland Police Department may also be reached directly by visiting in person at 2 New Street, Clark Mills, NY 13321 or by calling 315-853-2924. The complainant may also choose to contact the New York State Police’s Bureau of Criminal Investigation, who routinely are the law enforcement agency that would investigate sexual and domestic abuse cases. Both agencies work closely with the College to support the victim. The New York State Police may be reached by dialing 315-366-6000. More information regarding contacting New York State Police can be found here: https://www.troopers.ny.gov/Contact_Us/Troop_Information/Troop_D/

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator, Meredith Harper Bonham, the Senior Associate Dean of Students/Title IX Coordinator via telephone at 315-859-4020 or email at mbonham@hamilton.edu by calling, writing or coming into the office to report in person to the Dean of Students Office, which is located in the Elihu Root House, #25 on map and Campus Safety (if the victim so desires.) The College will provide resources, on campus off campus or both, to include medical, health, to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more
difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Safety or law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the College, the below are the procedures that the College will follow as well as a statement of the standard of evidence that will be used during any judicial hearing on campus arising from such a report:

<table>
<thead>
<tr>
<th>Incident Being Reported:</th>
<th>Hamilton College’s Institutional Response Procedures</th>
<th>Evidentiary Standard TO MEET YOUR STANDARDS</th>
</tr>
</thead>
</table>
| Sexual Assault           | 1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care  
2. Institution will assess immediate safety needs of complainant  
3. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department  
4. Institution will provide complainant with referrals to on and off campus mental health providers  
5. Institution will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, “No Contact” directive between both parties  
6. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate  
7. Institution will provide written instructions on how to apply for Protective Order  
8. Institution will provide a copy of the Sexual Misconduct Policy to complainant and inform the complainant regarding timeframes for |
### Stalking

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<table>
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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Institution will assess immediate safety needs of complainant</td>
</tr>
<tr>
<td>2.</td>
<td>Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department</td>
</tr>
<tr>
<td>3.</td>
<td>Institution will provide written instructions on how to apply for Protective Order</td>
</tr>
<tr>
<td>4.</td>
<td>Institution will provide written information to complainant on how to preserve evidence</td>
</tr>
<tr>
<td>5.</td>
<td>Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</td>
</tr>
<tr>
<td>6.</td>
<td>Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate</td>
</tr>
</tbody>
</table>

### Dating Violence

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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Institution will assess immediate safety needs of complainant</td>
</tr>
<tr>
<td>2.</td>
<td>Institution will assist</td>
</tr>
</tbody>
</table>

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9. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is

10. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation
<table>
<thead>
<tr>
<th><strong>Domestic Violence</strong></th>
<th>1. Institution will assess immediate safety needs of complainant</th>
<th>Preponderance of the evidence.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. Institution will provide written instructions on how to apply for Protective Order</td>
<td></td>
</tr>
<tr>
<td></td>
<td>4. Institution will provide written information to complainant on how to preserve evidence</td>
<td></td>
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<tr>
<td></td>
<td>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</td>
<td></td>
</tr>
<tr>
<td></td>
<td>6. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate</td>
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</tbody>
</table>
D. Assistance for Victims: Rights & Options

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the College will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. The College complies with New York law in recognizing orders of protection from Family Court, Criminal Court or the NY Supreme Court. Any person who obtains an order of protection should provide a copy to Campus Safety and the Office of the Title IX Coordinator. A complainant may then meet with Campus Safety to develop a Safety Action Plan, which is a plan for campus safety and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but in not limited to: escorts, special parking arrangements, providing a temporary cellphone, changing classroom location or allowing a student to complete assignments from home, etc.) The College cannot apply for a legal order of protection, no contact order, or restraining order for a victim from the appropriate jurisdiction. The victim is required to apply directly for these services. More information on how to obtain an order of protection, which order is appropriate, and which court to obtain the order from can be found here: http://www.nycourts.gov/faq/orderofprotection.shtml The College may issue an institutional “No Contact” order if deemed appropriate or at the request of the victim or accused party.

To the extent of the victim’s cooperation and consent, college offices will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal college investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services, visa and immigration assistance and assistance in notifying appropriate local law enforcement. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20).) Further, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The College does not publish the name of crime victims nor house identifiable information regarding victims in the campus police departments Daily Crime Log or online. Victims may request that directory information on file be removed from public sources by request by visiting your personal profile page on the College’s intranet and blocking identifying information. Requests may also be made to Campus Safety, Human Resources or the Dean of Students Office.
# Resources for victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking

## On-Campus

<table>
<thead>
<tr>
<th>Resource</th>
<th>Address/Location on Campus</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counseling Center</td>
<td>Rudd Health Center</td>
<td>315-859-4340</td>
</tr>
<tr>
<td>Student Health Center</td>
<td>Rudd Health Center</td>
<td>315-859-4111</td>
</tr>
<tr>
<td>Campus Safety</td>
<td>Campus Safety Building</td>
<td>315-859-4141</td>
</tr>
<tr>
<td>Amit Taneja, Director of Diversity &amp; Inclusion</td>
<td>Days Massolo Center</td>
<td>315-859-4252</td>
</tr>
<tr>
<td>Meredith Harper Bonham, Senior Associate Dean of Students and Title IX Coordinator</td>
<td>Elihu Root House</td>
<td>315-859-4020</td>
</tr>
<tr>
<td>(can direct students to visa/immigration assistance services as well)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dave Thompson, Director of the Blood Fitness Center</td>
<td>Blood Fitness Center</td>
<td>315-859-4754</td>
</tr>
<tr>
<td>Jeff McArn, College Chaplain</td>
<td>Chapel</td>
<td>315-859-4130</td>
</tr>
<tr>
<td>Allen Harrison, Associate of Students for Multicultural Student Affairs and Accessibility Services</td>
<td>Elihu Root House</td>
<td>315-859-4020</td>
</tr>
</tbody>
</table>

## Off Campus

<table>
<thead>
<tr>
<th>Resource</th>
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<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kirkland Police Department</td>
<td>2 New Street, Clark Mills, NY 13321</td>
<td>315-8532924</td>
</tr>
<tr>
<td>St. Lukes Hospital (Medical, health, mental health)</td>
<td>1656 Champlin Ave. Utica, NY 13502</td>
<td>315-624-6000</td>
</tr>
<tr>
<td>YWCA Rape Crisis Center (Victim Advocacy, counseling)</td>
<td>1000 Cornelia Street, Utica, NY 13502</td>
<td>315-797-7740</td>
</tr>
<tr>
<td>------------------------------------------------------</td>
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</tr>
<tr>
<td>Oneida County Courthouse (Legal Assistance, Orders of Protection)</td>
<td>800 Park Ave Utica, NY 13502</td>
<td>315-798-5700</td>
</tr>
</tbody>
</table>

**Where can I get more help?**

*A person in a dangerous emergency situation requiring immediate intervention should call 911 for assistance.*

For additional court information, consult CourtHelp or the Court/HelpCenters.

You can call any of these numbers – day or night. The hotline operators can answer your specific questions and direct you to further resources.

**NYC Gay and Lesbian Anti-Violence Project**
212-714-1141 (24-hour English and Spanish Hotline)

**NYS Domestic and Sexual Violence Hotline Numbers:**
- **English:** 1-800-942-6906
- **TTY:** 1-800-818-0656
- **Spanish:** 1-800-942-6908
- **TTY:** 1-800-780-7660
In NYC: 1-800-621-HOPE (4673) or dial 311
TTY: 1-866-604-5350

For further help and information regarding what to do in a situation of domestic violence:

- go to the Help page of the [NYS Office for the Prevention of Domestic Violence](http://www.rainn.org)
- NYS Coalition Against Domestic Violence (CADV) (maintains list of available resources by county)
- National Office on Violence Against Women

[http://www.rainn.org](http://www.rainn.org) – Rape, Abuse and Incest National Network
[http://www.ovw.usdoj.gov/sexassault.htm](http://www.ovw.usdoj.gov/sexassault.htm) - Department of Justice
[http://www2.ed.gov/about/offices/list/ocr/index.html](http://www2.ed.gov/about/offices/list/ocr/index.html) Department of Education, Office of Civil Rights

**How to be an Active Bystander**

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the
choice to intervene, speak up, or do something about it.”¹ We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list² of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

Risk Reduction

The following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org)

1. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to avoid isolated areas. It is more difficult to get help if no one is around.
3. Walk with purpose. Even if you don’t know where you are going, act like you do.
4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
5. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
6. Make sure your cell phone is with you and charged and that you have cab money.
7. Don't allow yourself to be isolated with someone you don’t trust or someone you don’t know.
8. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
9. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you’ve left your drink alone, just get a new one.
12. Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don’t drink from the punch bowls or other large, common open containers.
13. Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they’ve had, or is acting out of character, get him or her to a safe place immediately.
14. If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:

² Bystander intervention strategies adapted from Stanford College’s Office of Sexual Assault & Relationship Abuse
a. **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.

b. **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.

c. **Have a code word with your friends or family** so that if you don’t feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.

d. **Lie.** If you don’t want to hurt the person’s feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

16. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?

17. **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

E. **Adjudication of Violations**

Whether or not criminal charges are filed, the College or a person may file a complaint. Reports of all domestic violence, dating violence, sexual assault and stalking made to Campus Public Safety will automatically be referred to the Title IX Coordinator for investigation regardless of if the complainant chooses to pursue criminal charges. (See section “Procedures for Reporting a Complaint”)

Unless the respondent accepts responsibility for the alleged violation or the facts are uncontested, Hamilton College uses an investigation model to resolve complaints of harassment and sexual misconduct. Upon receipt of a formal complaint, the Chair and Title IX Coordinator will meet with the complainant and explain the investigation procedures that will be followed. The Chair and Title IX Coordinator will meet with the respondent to provide notification of the complaint and the procedures that will be followed.

All parties and witnesses will be interviewed and evidence collected by a trained investigation subcommittee that includes two members of the Board (who are not Hearing Committee members) and a representative from Campus Safety. The investigation subcommittee will usually have a male and a female member. Typically, an investigation will be concluded within two weeks of receiving a complaint.

In addition to interviewing and gathering written statements from the complainant and the respondent, the investigation subcommittee will interview and gather written statements from witnesses for the complainant and for the respondent who have information relevant to the investigation. The respondent must participate in all proceedings, and will be required to answer truthfully all of the questions posed during the investigation and any hearings. Students who fail to do so may face disciplinary action under the Student Code of Conduct.

It is the responsibility of the investigation subcommittee to take custody of, and arrange safekeeping for, any physical evidence to be used in making a finding, though evidence related to the commission of a crime will be handled by appropriate law enforcement authorities. At the conclusion of the investigation, the subcommittee will
issue to the Chair and Title IX Coordinator a written report of the evidence gathered and investigation findings. A member of the subcommittee will meet with the Chair and Title IX Coordinator to review the written report. The Chair and/or Title IX Coordinator will then meet with the complainant and respondent separately to review the findings.

1. If the complainant and the respondent agree to the findings, and the findings indicate a violation by the College's "more likely than not" standard, the Senior Staff member will assign a sanction, determined in consultation with the Chair and/or Hearing Committee.

2. If the investigation subcommittee is unable to reach a finding or finds that the evidence does not meet the College's "more likely than not" standard, or if the investigation subcommittee finding is rejected by the complainant or the respondent, the complainant and/or respondent may request a hearing with the Hearing Committee within five days of receiving the investigation committee's findings. If a hearing is requested, the Chair will issue a formal charge to the respondent, detailing each policy alleged to have been violated, the range of sanctions which might be imposed upon a finding of a violation, and the relevant procedures to be followed. The Title IX Coordinator will give formal notice to the complainant, the respondent, and relevant witnesses of the time, place and details of the hearing. The complainant, respondent, and Hearing Committee will receive a copy of the investigation subcommittee report and documents deemed relevant by the Chair and Title IX Coordinator. The investigation subcommittee may be called on as necessary during these proceedings. It will be the responsibility of the investigation subcommittee to arrange for and/or provide the Hearing Committee with expert sources of information as necessary.

3. If there is insufficient evidence that a violation has occurred, the investigation subcommittee may recommend to the Chair and Senior Staff member that the complaint be dismissed. If the Senior Staff member and Chair agree with the investigation subcommittee, the complainant and respondent will be informed of the decision to dismiss the complaint on the basis of lack of evidence. If the Senior Staff member and Chair do not agree with the investigation subcommittee, they will convene the Hearing Committee.

In resolving all formal complaints of harassment and sexual misconduct, the complainant and the respondent will be notified in writing of the findings (material facts, evidence, credibility determinations and the reasons why the committee determined that the standard of evidence was or was not met) and any sanction(s). When the College receives complaints of sexual misconduct, a brief public announcement may be sent regarding the nature of the violation and the action taken, using no names. Certain college administrators (e.g., the College President and Director of Campus Safety) may be informed on a privacy basis. If an act of alleged harassment or sexual misconduct is reported to a Senior Staff member and there is evidence that a felony has occurred, local police will be notified. This does not mean that charges will be automatically filed or that a victim must speak with the police, but the College is legally required to notify law enforcement authorities. The College must also report statistics concerning the occurrence on campus of any of six major violent crimes, including certain sex offenses, in an annual report of campus crime statistics. This statistical report does not include any personally identifiable information.
Hence, the college disciplinary process is consistent with the institution’s policy and will include a prompt, fair, and impartial investigation and resolution process transparent to the accuser and the accused. Usually, the resolution of complaints of sexual misconduct are completed within 60 days of the report, however the proceedings timeframe allows for extensions for good cause with notice to the accuser and the accused of the delay and the reason for the delay. Investigators and hearing board members are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking and taught how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. The policy and procedures provide that:

1. The accuser and the accused student each have the opportunity to attend a hearing before a properly trained hearing board that protects the safety of victims and promotes accountability;
2. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;
3. The institution will allow for timely access to the accuser, the accused and appropriate officials to any information that will be used after the fact-finding investigation but during formal and informal disciplinary meeting and hearings;
4. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;
5. The accuser and the accused student each have the opportunity to be advised by a personal advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting or hearing. An advisor may only consult and advise his or her advisee, but not speak for the advisee at any meeting or hearing;
6. A student conduct decision is based on the preponderance of evidence standard, i.e. “more likely than not to have occurred” standard. In other words, the conduct process asks: “is it more likely than not that the accused student violated the College’s Student Conduct Code?”
7. The accuser and the accused will be notified simultaneously in writing of the result of any disciplinary proceeding, as well as any changes to those result or disciplinary actions prior to the time that such results become final; and
8. The accuser and the accused each have the right to appeal the outcome of the hearing and will be notified simultaneously in writing, of any change to the result prior to the time that it becomes final and of the final result after the appeal is resolved.

**Appeals**

Appeals of a Harassment and Sexual Misconduct Board decision are heard by a two-member subset of the Appeals Board (Appeals Panel) consisting of the Chair of the Appeals Board and one other faculty member from the Appeals Board, determined by the Appeals Board Chair. In cases where the two members do not agree, the 3rd Appeals Board member will review the case and make a determination. If there is a conflict of interest, a student Appeals Board member shall be appointed.

The Appeals Panel will not substitute its own judgment for that of the hearing committee and/or officer, nor will it concern itself with the possibility that others might have arrived at a different judgment. Its terms of reference extend only to investigation of the procedures by which the original judgment was reached. Decisions of the Appeals Panel are final.

Any party to a Harassment and Sexual Misconduct Board decision may request an appeal within one week of being informed in writing of that decision. Respondents who accept investigation findings may only appeal on the basis of sanction. The appeal must be made in writing to the Chair of the Appeals Board, and must state in detail
the reasons for the appeal. The Chair will inform the Senior Staff member and Chair of the Harassment and Sexual Misconduct Board that an appeal has been made and will invite the Senior Staff member and Chair to make written statements to the Appeals Panel. Where an appeal is requested by the respondent party, the complainant will be invited to respond if he or she chooses. Where an appeal is requested by the complainant party, the respondent will be invited to respond.

Within one week of receipt of the appeal, the Chair will convene the Appeals Panel to determine whether the appeal will be considered. In making that decision, the Appeals Panel will have access to the written records of the case. Acceptable grounds for an appeal are limited to:

1. Sanction inconsistent with the severity of the violation or with stated community standards and precedents
2. Procedural irregularity that affected the outcome of the hearing
3. Prejudicial bias on the part of the hearing body

New evidence not available at the time of the original hearing that could be outcome determinative must be brought to the attention of the Harassment and Sexual Misconduct Board for consideration before the complaint can be presented on appeal.

If the Appeals Panel decides to consider the appeal, the Chair will schedule another meeting for consideration and disposition of the appeal. The Appeals Panel will have access to the records of the hearing. Normally, the parties, Senior Staff member and Chair will not appear before the Appeals Panel, though they may be summoned at the discretion of the Chair.

The Appeals Panel may decide:

1. To uphold the original decision.
2. To remand the complaint to the Harassment and Sexual Misconduct Board for rehearing. This will normally be done when there is a procedural irregularity that could be corrected in a rehearing.
3. To remand the complaint to the appropriate Senior Staff member with a recommendation that the penalty be modified, together with an explanation of why the original penalty is deemed inappropriate.
4. To remand the complaint to an ad hoc hearing board. This will be done only in extraordinary cases when, in the considered opinion of the Appeals Panel, prejudicial bias or procedural problems would make it impossible for the appropriate body to reach a fair decision.
The parties and the Officer and Chair will be informed in writing of the decision and of the grounds for the decision. The record of the appeal will consist of the letter of appeal, the written statements from the parties, Senior Staff member and Chair; the written decision whether to hear the appeal and the outcome of the appeal. This record will be appended to the written record of the original decision and will be kept with it.

When a complainant does not consent to the disclosure of his or her name or other identifiable information to the alleged perpetrator, the college’s ability to respond to the complaint may be limited.

Confidentiality
The College will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking to the fullest extent of the law and as previously mentioned in this document.

Sanctions and Protective Measures
In all cases, complaints that result in a finding of more likely than not that a violation of the misconduct policy occurred will lead to the initiation of disciplinary procedures against the accused individual. College sanctions up to and including separation from the college may be imposed upon those determined to have violated this policy. The College may implement protective measures following the report of domestic violence, dating violence, sexual assault and/or stalking which may include some or all of the following actions: change of a student's housing to a different on-campus location, assistance from College support staff in completing the relocation, exam (paper, assignment) rescheduling, taking an incomplete in a class, transferring class sections, temporary withdrawal, and alternative course completion options. For students, sexual assault, domestic violence, dating violence, and stalking are violations of the Student Conduct Code. Employees who violate this policy will be subject to discipline, up to and including termination of employment. Sexual assault, domestic violence, dating violence, and stalking are criminal acts which also may subject the perpetrator to criminal and civil penalties under federal and state law.

The Title IX Coordinator or their designee will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: an order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator’s directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Hamilton College.

Sex Offender Registration
The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

Informational questions about local laws or reports of civil crimes can be directed to the Town of Kirkland Police Department by telephone. KPD will not respond to a campus call without informing the Department of Campus Safety. Campus Safety officers may request additional support from KPD. As the local police authority, KPD is the contact agency for questions relating to our local sex offender registry. Community members may also access the New York State Sexual Offender Registry at the following web address: http://criminaljustice.state.ny.us/SomsSUBDirectory/search_index.jsp