

President's Working Group on Sexual Misconduct
Final Report
April 24, 2017

Overview:

President Wippman convened a Working Group on Sexual Misconduct in December 2016 to review the college's policy and practices and to garner feedback from the community as a whole about sexual misconduct on campus. The members of the working group included Tina Hall, Chair (Associate Professor of Literature and Creative Writing); Aleta Brown '17; Andrew Dykstra (Associate Professor of Mathematics); Bennett Hambrook '17; Nora Klaphake (Chief of Staff and Secretary to the Board of Trustees); Lea Kuck '87 (Trustee, Partner Skadden, Arps, Slate, Meagher & Flom); Olabisi "Bisi" Ladeji Okubadejo '95 (Of Counsel, Ballard Spahr LLP); Corinne Smith '17; and David Walden (Director of Counseling and Psychological Services and Lecturer in Psychology).

Over the course of Spring 2017, the working group examined the College's approach to sexual misconduct via review of the policy and discussions with the community. We met with various student groups, including the Health & Safety Committee of Student Assembly, SAAC (Student-Athlete Advisory Committee), ISC (InterSociety Council), SAVES (Sexual Assault Violence Education and Support), and SMART (Sexual Misconduct and Assault Reform Taskforce). We also met with Staff Assembly Council and sent an email to all faculty asking for feedback. In addition, we solicited feedback via an anonymous form in an email that went to the entire campus community. We also met with current and recent members of the Harassment and Sexual Misconduct Board to hear their thoughts on the College's processes and met with Dean of Students Nancy Thompson.

Overall, the themes that came up most often in our discussions with the Hamilton community were:

- Expansion of education and prevention efforts
- Reconsideration of sanctions
- Assessment of the current processes of investigation and adjudication
- Review of our website and materials

Our Policy:

Our process began with a review of Hamilton's current policies related to sexual misconduct. Bisi Ladeji Okubadejo performed a review of our policy and found some areas we suggest the Title IX office revisit for possible revision of language. Her review has been forwarded to the Title IX coordinator. In addition, the working group as a whole went over the policy and arrived at suggestions for alternate language in key areas, notably in the "Introduction" (where we suggest adding a statement of the college's values), in the section on "Sanctions" (described below) and in the definition of "Nonconsensual Sexual Contact." The panel also advises bringing the policy language and the language in the Faculty, Staff, and Student Handbooks into accordance with each other. SMART also went over the policy and suggested additional language under the definition of "Retaliation" and under the definition of "Dating Violence." SMART also suggested additional language about "Psychological Abuse." We have forwarded these suggestions to the Title IX coordinator.

Beyond these suggestions, we found the policy to be comprehensive and consistent with current law and best practices.

Education and Prevention:

The students, faculty, and staff we heard from all clearly stated that they wanted better and more consistent education on our policy and how to prevent sexual misconduct. Thus, we recommend:

- The College provide annual training for all faculty and staff across all departments, via in-person or web-based trainings. We recommend the Title IX office consider how best to reach the maximum number of employees so that the level of training is consistent across the college.
- The College encourage and facilitate trained liaisons on each sports team and in each Greek society.
- The College establish an education and outreach position that will be responsible for researching, coordinating and implementing an annual curriculum based on Hamilton's sexual misconduct policies and procedures. The curriculum will focus on a wide range of topics, including but not limited to community awareness and understanding of: policy definitions and procedures, sexual health, population-specific sexual education (including relevant information to a broad range of identities), alcohol education, and bystander intervention. In order to build a community with the vocabulary necessary to discuss these issues in a productive manner, this position is necessary. Furthermore, a consistent curriculum will provide an opportunity for educational sanctions as well as a forum for continued query and feedback in relation to Hamilton's policy and procedures.
- For 2017-2018, while searching for the Education and Outreach position, the College hire a one-year interim Title IX Prevention and Education Coordinator.

Sanctions:

Most community members we spoke with were in favor of moving away from using points for sexual misconduct sanctions. The conflation of sexual misconduct violations with various disciplinary violations such as alcohol possession and damage to property was particularly problematic in many people's view. Thus, we recommend:

- The College not use the point system for sexual misconduct sanctions.
- The College use the sanctions already outlined in the policy, which range from a warning to expulsion.
- The College add language to the policy about how sanctions are determined. Sample language has been forwarded to the Title IX coordinator.
- The Harassment and Sexual Misconduct Board and the Dean of Students use the range of alternative sanctions, such as educational programs and social sanctions, both of which are stated in the current policy but might be deployed to greater effect.

Investigation and Adjudication:

There was some concern expressed about the level of training, the possible conflicts of interest, and the emotional burden of the work for the current configuration of the investigation and adjudication process-which relies heavily on the Harassment and Sexual Misconduct Board made up of faculty and staff.

Thus, we recommend:

- The College explore the feasibility of using an outside adjudicator in addition to the HSMB Review Panel for adjudications, much as the College already often uses an outside investigator along with an HSMB member for investigations.

- The Title IX office and the Dean of Students perform “exit interviews” with complainants and respondents that are kept on file for review and that the policy language is changed to reflect this practice.
- The Title IX office review the templates for structured correspondence with all parties in the investigation process to ensure they are effective and consistent with best practices.

Website and Materials:

Some of the students we spoke to thought the website and materials (such as the bathroom posters) were not accessible enough. Thus we recommend:

- The Title IX office annually review the website and materials to be sure the information is up to date and presented in the most accessible manner.
- The Title IX office (perhaps with the assistance of the new Prevention and Education Coordinator) poll students for ideas about ways to make the information more readily available. For instance, some of the ideas that came up in our meetings were a poster contest for new bathroom posters and using MyHamilton and/or Blackboard as ways to convey information about sexual misconduct policies and resources.
- There be an easily-accessed mechanism on the website, in addition to the existing mechanism on the app, for anonymous feedback on the college’s policy and procedures.

Conclusion:

Overall, we found that our policy and procedures were largely consistent with current law and best practices. Additional efforts around education and prevention, however, are essential and will be beneficial to our campus climate. Establishing additional resources in this area will be critical. We appreciate the College’s strong commitment to preventing sexual violence and responding swiftly, and with sensitivity, to incidents of sexual misconduct and expect that the task of scrutinizing our policy and procedures will continue beyond this working group. We also expect that the process of review and adjustment will be ongoing and will speak to the College’s deep conviction that sexual misconduct and violence will not be tolerated and that each member of our community has a personal responsibility to make our campus safer and more welcoming.