

# Hamilton

## OPTIONS FOR HELP AND SUPPORT

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Resource Guide on  
Sexual Misconduct and Title IX

Hamilton College values and respects intellectual and cultural diversity, because such respect promotes free and open inquiry, independent thought and mutual understanding.

The College complies with all relevant state and federal laws on non-discrimination. The Director of Community Standards, Hamilton College, Clinton, NY, 13323 (315-859-4020) is responsible for coordinating the College's efforts to comply with Title IX of the Education Amendment of 1972, as well as its procedures for dealing with harassment on the basis of age, gender or gender identity, race, color, national origin, sexual and affectional orientation/association, military or veteran status, marital status, mental/physical disability, genetic information, ethnic origin, religion, or any other characteristic protected by law. The associate dean of students for multicultural affairs and accessibility services, Hamilton College, Clinton, NY, 13323 (315-859-4021) oversees compliance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act for students.

Hamilton College complies with all federal and state laws including publishing and making available its Annual Security Report. The report includes statistics for the previous three years concerning reported crimes and institutional policies addressing campus security. The Advisory Committee on Campus Security will provide upon request all campus crime statistics as reported to the United States Department of Education. To obtain a copy of this report, contact the Department of Campus Safety Hamilton College, Clinton, NY, 13323 (315-859-4141) or visit: [hamilton.edu/annualsecurityreport](http://hamilton.edu/annualsecurityreport).

Hamilton College is fully accredited by the Middle States Association of Colleges and Schools, 3624 Market St., Philadelphia, PA, 19104 (267-284-5000).

*Some of the contents of this guide have been adapted with permission from Northwestern University.*

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Hamilton's Resource Guide on  
Sexual Misconduct and Title IX

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## ■ Overview

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Hamilton seeks to provide an environment in which students, faculty, staff and guests can work, study and enjoy the Hamilton community without experiencing sexual harassment, sexual misconduct, domestic violence, dating violence or stalking. 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 or workplace environment of any member of the Hamilton community.

### **Sexual Misconduct may include:**

- **Non-Consensual Sexual Contact:** any intentional sexual touching, however slight, either directly or through clothing, with any body part or object, without affirmative consent.
- **Non-Consensual Sexual Act:** is defined as penetration and/or oral contact, however slight, with any body part or object with the genitals or anus of another person, without affirmative consent.
- **Sexual Exploitation:** when a person takes non-consensual or abusive sexual advantage of another.
- **Retaliation:** adverse action taken against a person for making a good faith report of Sexual Misconduct.
- **Domestic Violence:** a felony or misdemeanor crime of violence committed by a current or former spouse, intimate partner or family member.
- **Dating Violence:** violence committed by a person who is or has been in a romantic or intimate relationship with the person against whom the violence is committed.
- **Stalking:** occurs when a person engages in a course of conduct or repeatedly commits acts toward another person that would cause a reasonable person to fear for personal safety or the safety of others or suffer substantial emotional distress.

**See Hamilton College's Sexual Misconduct Policy, found on the website at the bottom of the page, for more information.**

**Sexual Harassment is defined as:**

- Unwelcome action, language or visual representation of a sexual nature that has the effect of unreasonably interfering with an individual's work or academic performance or that creates a hostile working, educational or living environment.
- Sexual Harassment also includes gender-based harassment, which may include acts of verbal, nonverbal or physical aggression or hostility based on gender, sexuality or sex- or gender-stereotyping, even if those acts do not involve conduct of a sexual nature.

**Affirmative Consent is required:**

Affirmative consent is a knowing, voluntary and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity or gender expression.

- a) Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- b) Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- c) Consent may be initially given but withdrawn at any time.
- d) Consent cannot be given when it is the result of any coercion, intimidation, force or threat of harm.
- e) When consent is withdrawn or can no longer be given, sexual activity must stop.
- f) Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs or other intoxicants may be incapacitated and therefore unable to consent.

## ■ Reporting & Investigations

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If you (or someone you know) may have experienced sexual assault or unwanted sexual contact of any kind, you have options.

*See Resources and Help for contact information.*

### **Immediate Action**

- Seek medical attention as soon as possible. Hamilton College EMTs can make sure you get the care you need.
- Preserve physical evidence including electronic communications, such as text messages, pictures and/or social networking pages.
- A Sexual Assault Nurse Examiner (SANE) can collect evidence and provide medical attention by performing a Sexual Assault Forensic Exam (SAFE). There is a limited window of time (up to 96 hours) after the incident to preserve evidence through a SAFE exam and the exams are most effective when performed as soon as possible. Do not shower, bathe, douche, or change clothing before the examination. If you have changed clothing, bring the clothes you were wearing at the time of the incident in a paper or cloth bag (not plastic). The results of the SAFE exam will not be shared with on- or off-campus disciplinary authorities unless you choose to share them yourself. SANE services are coordinated through Help Restore Hope Center's 24/7 hotline every Thursday at 6pm through Monday at 8am, Help Restore Hope can still provide resources and care outside of these times.

### **Get Confidential Help**

Sharing information about a possible incident with the following resources will not automatically result in a report to the Title IX coordinator.

- The Hamilton College Counseling Center provides support and resources. Meet with a counselor for help processing the event and to talk through options.
- The College Chaplain's office is available to all members of the Hamilton community to provide guidance and support.
- The Hamilton College Health Center can provide assistance and guidance, as well as perform important tests, such as an STI screening
- The YWCA 24-hour hotline or the national RAINN 24-hour support service provides options for confidential and/or anonymous reporting.

## **Report the Incident to the Title IX Coordinator**

- Contact Catherine Berryman, Director of Community Standards (Title IX Coordinator), to discuss pursuing a formal complaint through College procedures.
  - Conversations will be kept as private as possible. The Title IX Coordinator may be required to take some action (See Article VII of the Sexual Misconduct Policy for more information).
  - Refer to the website at the bottom of the page for complete details about the process.

## **Pursue a Criminal Complaint**

*This can happen simultaneously with filing a complaint with the College*

- Contact Campus Safety or the Title IX coordinator to arrange for a meeting with the New York State Police or the Oneida County Sheriff.
- There is also the option to contact the State Police directly via the 24-hour hotline.

# What happens when someone reports?

A Hamilton faculty member, staff member, coach or residential advisor is notified of a possible incident of sexual misconduct

The Title IX coordinator receives a report of sexual misconduct

The Title IX coordinator contacts the person who may have experienced sexual misconduct to provide information about resources and options, and extend an invitation to meet

The person who may have experienced sexual misconduct makes the decision whether or not to meet with the Title IX coordinator

The Title IX coordinator and the person meet to discuss options and review resources. At this stage, protective measures and interim accommodations may be implemented

The person chooses not to meet with the Title IX coordinator

The person chooses to move forward with an investigation. Refer to [hamilton.edu/hsmb/sexual-misconduct-policy](http://hamilton.edu/hsmb/sexual-misconduct-policy) for more information about the investigation process

The person chooses not to proceed with an investigation. Unless there is a perceived imminent risk to the safety and wellbeing of the community, generally the College will honor this request

## ■ Resources & Help

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### Confidential Resources

Confidential resources will not share any information with outside parties, except in very limited situations (e.g. minors, imminent danger). All other Hamilton faculty, staff, coaches and residential advisors are required to report incidents of sexual violence to the Title IX coordinator.

- Hamilton Counseling Center: 315-859-4340 available 24/7
- Hamilton College Chaplain: 315-859-4130
- Hamilton Health Center: 315-859-4111
- YWCA 24-hour Domestic and Sexual Violence Services hotline: 315-797-7740
- RAINN National Sexual Assault 24-hour Hotline: 1-800-656-4673 or 24-hour live chat at [rainn.org](http://rainn.org)
- Help Restore Hope 24/7 Hotline: 1-855-966-9723

### Reporting the Incident

- Contact Catherine Berryman, Director of Community Standards (Title IX Coordinator), 315-859-4020 or [cberryma@hamilton.edu](mailto:cberryma@hamilton.edu)
  - o For emergencies outside of business hours, call Campus Safety's emergency line (315-859-4000) and ask to speak with the Title IX Coordinator.

### Filing a Criminal Complaint

*This can happen simultaneously with filing a complaint with the College*

- Contact Campus Safety at 315-859-4141 or the Title IX coordinator at 315-859-4020 to arrange a meeting with the New York State Police or the Oneida County Sheriff.
- Contact the New York State Police directly through the Campus Sexual Assault Victim Unit's 24-hour hotline: 1-844-845-7269.

## ■ Helping Someone Else

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If someone tells you that they may have experienced an incident of sexual misconduct:

### **Provide Support**

- Trauma impacts our ability to process and encode situations. There is no “normal” reaction.
- Allow the person to disclose the information that he/she/they are comfortable sharing.

### **Do**

- Respect the person’s space.
  - Ask where to meet, where you should sit or stand, for permission to hug or touch them.
- Support their decisions moving forward.
- Tell them it was not their fault.
- Actively listen and give them your complete attention.
- Inform them of their options (see previous pages).
- Inform them of the resources available for confidential support (see previous pages).
- Take care of yourself. Reach out to the Counseling Center for support.

### **Don’t**

- Say “I understand/I feel your pain” or suggest that you know what he/she/they are going through.
- Ask questions that suggest blame, such as “Were you drinking?” or “What were you wearing?”
- Share personal anecdotes.
- Probe/press for information.
- Retaliate or make threats.
- Share their story.



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Hamilton College 198 College Hill Road Clinton, NY 13323