

Hamilton

OPTIONS FOR HELP AND SUPPORT

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 title IX coordinators, 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. To obtain a copy of this report, contact the Director of Campus Safety or visit: 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).

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■ Overview

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, 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 to benefit or advantage anyone other than the one being exploited.
- **Retaliation:** adverse conduct that occurs in response to a complaint of Sexual Misconduct.
- **Domestic Violence:** violence committed by a current or former spouse or intimate partner.
- **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 their safety or the safety of others or suffer substantial emotional distress.

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

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

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

Immediate Action

- Seek medical attention as soon as possible. Hamilton College EMTs can make sure you get the care you need (see Resources & Help for contact information).
- Preserve physical evidence of electronic communications, such as text messages, pictures and/or social networking pages, by saving them and/or taking screen shots.
- A Sexual Assault Nurse Examiner (SANE) at Oneida Healthcare Center can collect physical evidence (perform a “rape kit”) and provide medical attention. There is a limited window of time (up to 72 hours) after the incident to preserve evidence in a rape kit. Rape kits are most effective when performed as soon as possible. Do not shower, bathe, douche or change your clothes before the examination. If you have changed clothes, bring the clothes you were wearing during the incident in a paper or cloth bag.

Get Confidential Help

Confidential resources are not required by law to report known incidents of sexual misconduct to the Title IX coordinator. Sharing information about a possible incident with the following resources will not automatically result in a report to the Title IX coordinator. Refer to Resources & Help for contact information.

- 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.

- Speak to a Peer Advocate. Peer Advocates are trained students who provide confidential support. Peer Advocates can help survivors understand their options.
- 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

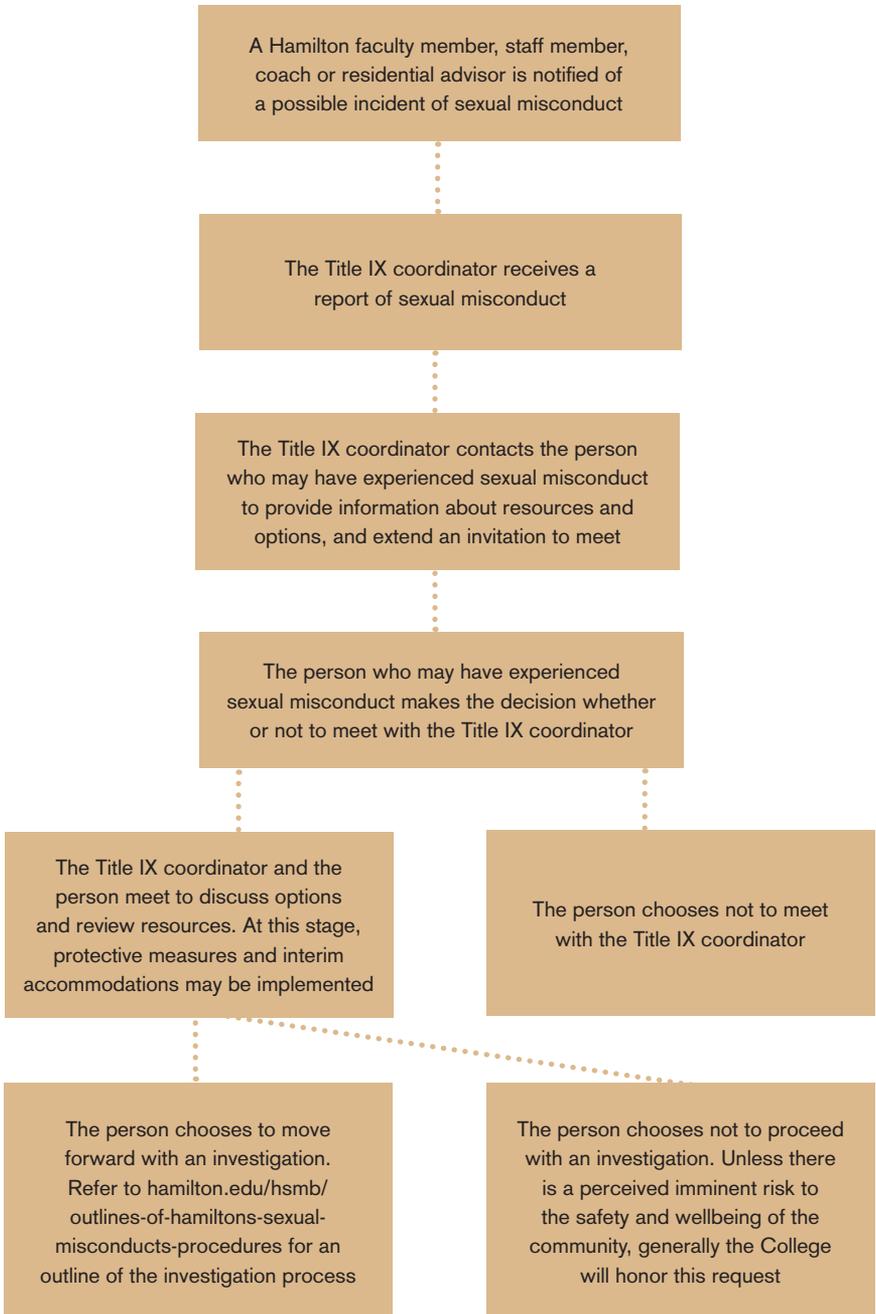
- Speak with Ashley Place, Interim Title IX Coordinator and Assistant Director of Residential Life, to discuss pursuing a formal complaint through College procedures.
 - Conversations will be kept as private as possible. The Title IX coordinator is required to take some form of action in order to prevent further acts from occurring on Hamilton's campus, although this does not mean that the College will take action if the complainant does not wish for action to be taken.
 - Refer to the website at the bottom of the page for complete details about the process.

Pursue a Criminal Complaint

(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 (see Resources & Help for contact information).

What happens when someone reports?



■ Resources & Help

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 obligated 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
- Hamilton College Peer Advocates: advocate@hamilton.edu
- 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
- Oneida Healthcare Center: 315-361-2024

Reporting the Incident

- Ashley Place, Interim Title IX Coordinator and Assistant Director of Residential Life, 315-859-4020 or aplace@hamilton.edu

Filing a Criminal Complaint

(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

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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