

To: The Amherst College Community
From: Laurie A. Frankl, Title IX Coordinator
RE: State of the Campus: Title IX
Date: December 3, 2014

Content Warning: This report contains information about sexual misconduct that may be difficult for some readers.

The past three years have proved to be an important turning point in the local and national conversation about sexual misconduct on college campuses. This discussion was overdue and the work that is flowing from it is critical. Gender equity and an environment free from sexual misconduct are vital to a healthy, safe, and vibrant living and learning community. In the past two years, the College has made improvements to its sexual misconduct protocols and practices, has created new resource guides, and has sought to establish new expectations of respectful interpersonal relations. In addition, critical professional administrative positions were added to both lead and support these efforts: Title IX Coordinator (Laurie Frankl) and Sexual Respect Educator and Deputy Title IX Coordinator for students (Amanda Collings Vann).

Amherst's Title IX team is here to receive and respond to gender equity and sexual misconduct concerns. The Title IX team's mission is to eliminate, prevent, and redress known instances of gender-based misconduct with fair and efficient processes that are intended to support each and every student. We are committed to continually evaluating and adjusting these processes to be sure that they are supporting our goals and working well for all members of our community.

I. Education and Training

Campus wide collaboration is critical to the efforts of the Title IX team. For that reason, the Title IX team is committed to informing faculty, staff, and students about Title IX and the College's policies regarding sexual misconduct. To date, our related efforts have included the following:

- a. **Training:** Since January 2013, the Title IX team has trained more than 700 students and more than 200 staff on Title IX basics and their responsibilities under College policy and federal law. We have focused particularly on those individuals who have an obligation under federal guidelines to share with the Title IX team information they learn about sexual misconduct. Efforts are on-

going and will also soon include informational sessions for all faculty members.

- b. Education: Amanda Collings Vann, our Sexual Respect Educator and Deputy Title IX Coordinator for students, has developed a comprehensive plan aimed at educating the greater campus community about the problem of sexual violence through a variety of programs. With the help of the student Peer Advocates of Sexual Respect, over half of Amherst's student population have received training in bystander intervention.
- c. Information: New educational materials have been created and distributed, including the "My Title IX Rights" posters. The "Here's How We Can Help" brochure was mailed to every student this fall and is available at locations across campus and at www.amherst.edu/go/titleix. Soon, materials that focus on helping the community more easily identify resources and reporting options will be distributed.
- d. Survey: A sexual respect and misconduct survey was developed this fall, with valuable input from Amherst's Sexual Respect Task Force. This survey, which students can take *anonymously*, will provide us with significant insights into students' experiences and views of sexual misconduct and Title IX matters. These insights will guide us in creating meaningful programs and evaluating College policies and protocols.
- e. Committee: The Title IX Review Committee, a student-initiated committee comprised of students, faculty and staff, will be charged with receiving feedback about the College's Title IX processes identifying trends, and offering policy and practice recommendations. The committee will convene for the first time this academic year.

II. Data Regarding Sexual Misconduct Reports

The charts on pages 4 and 5 show the number of reports of sexual misconduct in calendar years 2012 and 2013. (Statistics for calendar 2014 will be appended in early 2015). This data represents all instances in which information about suspected or alleged sexual misconduct was reported to the Title IX team – regardless of the amount or quality of the information provided.

The data presented here reflects the status of each report and is not intended to capture all actions that the College may have taken in response to the report, including implementing safety measures, and providing various types of support and resources. A review of the definitions in the Appendix is critical to a proper understanding and interpretation of the data.

Statement Regarding Amherst's Annual Security Report

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, commonly known as the Clery Act, requires Amherst College to annually disclose campus crime statistics and security information via an Annual Security Report.

The data below varies from the data in the Annual Security Report for two specific reasons. First, Amherst College policy defines sexual misconduct more broadly than the Clery Act. Second, Clery statistics are limited to incidents reported to have occurred on the College campus, or public property that is immediately adjacent to campus. In contrast, the data below includes any report of sexual misconduct received by the Title IX team, regardless of where the incident occurred.

For these reasons, the number of crimes counted in Amherst's Annual Security Report do not and should not directly correlate with the data below.

2012 Sexual Misconduct Reports

Total Reports: 34

Sexual Violence: 21
Sexual Harassment: 10
Sexual Exploitation: 0

Stalking: 2
Relationship Violence: 0
Unable to Categorize: 1

Retaliation: 0
Aiding and Abetting: 0
Equity in Funding: 0

Sexual Misconduct Reports are included in this report only if they are "closed" or "dormant" - matters that are still in process and/or under investigation are not included here. For definitions, see appendix, pp. 6 to 8.

Dormant: 20

Sexual Violence: 15
Sexual Harassment: 4
Stalking: 1

Closed: 14

Sexual Violence: 6
Sexual Harassment: 6
Stalking: 1
Unable to Categorize: 1

Outside of the College's Jurisdiction: 6

Sexual Violence: 4
Sexual Harassment: 1
Stalking: 1

Resolution with Hearing: 1

Sexual Violence: 1

Resolution without Hearing: 7

Sexual Violence: 1
Sexual Harassment: 5
Unable to Categorize: 1

Conclusion of Hearing Board that Accused was Not Responsible: 1

Sexual Violence: 1

Conclusion of Hearing Board that Accused was Responsible: 0

Sanctions:

Sexual Violence: 1	Disciplinary Probation
	Remedial plan
	Written warning/ Letter of apology
Sexual Harassment: 5	Staff member resigned
	Training provided to remediate behavior
	Training provided to remediate behavior
Unable to Categorize: 1	Remedial plan

2013 Sexual Misconduct Reports

Total Reports: 33

Sexual Violence: 14 Sexual Harassment: 12 Sexual Exploitation: 1	Stalking: 1 Relationship Violence: 1 Unable to Categorize: 4	Retaliation: 0 Aiding and Abetting: 0 Equity in Funding: 0
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Sexual Misconduct Reports are included in this report only if they are “closed” or “dormant” - matters that are still in process and/or under investigation are not included here. For definitions, see appendix, pp. 6 to 8.

<p style="text-align: center;">Dormant: 19</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Sexual Violence: 8</td> <td style="width: 50%;">Relationship Violence: 1</td> </tr> <tr> <td>Sexual Harassment: 7</td> <td>Unable to Categorize: 2</td> </tr> <tr> <td>Stalking: 1</td> <td></td> </tr> </table>	Sexual Violence: 8	Relationship Violence: 1	Sexual Harassment: 7	Unable to Categorize: 2	Stalking: 1		<p style="text-align: center;">Closed: 14</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Sexual Violence: 6</td> <td style="width: 50%;">Sexual Exploitation: 1</td> </tr> <tr> <td>Sexual Harassment: 5</td> <td>Unable to Categorize: 2</td> </tr> </table>	Sexual Violence: 6	Sexual Exploitation: 1	Sexual Harassment: 5	Unable to Categorize: 2
Sexual Violence: 8	Relationship Violence: 1										
Sexual Harassment: 7	Unable to Categorize: 2										
Stalking: 1											
Sexual Violence: 6	Sexual Exploitation: 1										
Sexual Harassment: 5	Unable to Categorize: 2										

<p style="text-align: center;">Outside of the College's Jurisdiction: 7</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Sexual Violence: 4</td> <td style="width: 33%;">Sexual Harassment: 1</td> <td style="width: 33%;">Unable to Categorize: 2</td> </tr> </table>	Sexual Violence: 4	Sexual Harassment: 1	Unable to Categorize: 2	<p style="text-align: center;">Resolution with Hearing: 2</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 100%;">Sexual Violence: 2</td> </tr> </table>	Sexual Violence: 2	<p style="text-align: center;">Resolution without Hearing: 5</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Sexual Harassment: 4</td> <td style="width: 50%;">Sexual Exploitation: 1</td> </tr> </table>	Sexual Harassment: 4	Sexual Exploitation: 1
Sexual Violence: 4	Sexual Harassment: 1	Unable to Categorize: 2						
Sexual Violence: 2								
Sexual Harassment: 4	Sexual Exploitation: 1							

<p style="text-align: center;">Conclusion of Hearing Board that Accused was Not Responsible: 1</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 100%;">Sexual Violence: 1</td> </tr> </table>	Sexual Violence: 1	<p style="text-align: center;">Conclusion of Hearing Board that Accused was Responsible: 1</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 100%;">Sexual Violence: 1</td> </tr> </table>	Sexual Violence: 1
Sexual Violence: 1			
Sexual Violence: 1			

Sanctions:

Sexual Violence: 1	Expulsion
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Sanctions:

	Staff member resigned
	Training provided to remediate behavior
Sexual Harassment: 4	Remedial plan
	Remedial plan
Sexual Exploitation: 1	Educational paper

Appendix

The following **definitions** apply to the data provided above:

Aiding or Facilitating:

Aiding, facilitating, promoting, or encouraging the commission of a violation under [Amherst's Sexual Misconduct Policy](#).

Funding Equity:

A reported concern that the College's allocated funding to a program, activity, or benefit of the College is not equitable as defined by Title IX.

"Not Responsible" Finding:

A determination by a Hearing Board that the information provided at the hearing supports a finding that it is "more likely than not" that the Respondent is not responsible for the alleged violation(s).

Outside of the College's Jurisdiction:

Reports of sexual misconduct in which:

- 1) the alleged misconduct was committed by a person who was not currently enrolled as a student or employed as a faculty or staff member; or
- 2) the College's investigation revealed that no policy violation occurred.

Examples of reports that are Outside of the College's Jurisdiction include: a student reporting that he was sexually assaulted prior to coming to the College; an alumnae disclosing that during her time at the College she was stalked by a fellow student who has also graduated; or an allegation that was unsubstantiated (because, for example, both parties claimed an encounter was consensual even though someone else initially reported that it was not consensual).

"Responsible" Finding:

A determination by a Hearing Board that the information provided at the hearing supports a finding that it is "more likely than not" that the Respondent is responsible for the alleged violation(s).

Retaliation:

Acting or attempting to retaliate or seek retribution against a Complainant, Respondent, or any individual or group of individuals involved in a sexual misconduct investigation and/or resolution of an allegation of sexual misconduct.

Sanctions for Sexual Misconduct Policy (Honor Code) Violation:

A sanction selected from the range of sanctions outlined in Amherst's Student Conduct Process and imposed by a majority vote of the Sexual Misconduct

Hearing Board that heard the underlying case and found the Respondent responsible for one or more Sexual Misconduct Policy violations.

Sexual Exploitation:

An act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage or any other non-legitimate purpose.

Sexual Harassment:

Any unwelcome sexual advance, request for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature.

Sexual Misconduct Hearing Board:

A Board comprised of persons that are drawn from a pool of individuals from the community (outside of Amherst College) who have prior experience in and who receive annual training in the dynamics of sexual misconduct, the factors relevant to a determination of credibility, the appropriate manner in which to receive and evaluate sensitive information, the manner of deliberation and the application of the preponderance-of-the-evidence standard, as well as the college's policies and procedures. Sexual Misconduct Hearing Boards are convened to hear complaints of sexual misconduct against Amherst College students; charged with determining whether a Respondent is responsible for the misconduct alleged in the complaint; and, in cases where a Respondent is found responsible, for determining sanctions.

Sexual Misconduct Investigations:

Investigations undertaken either by the Title IX team or by an external investigator hired and overseen by the Title IX Coordinator to look into reports of sexual misconduct.

Sexual Misconduct Report:

Any information about suspected or alleged sexual misconduct reported to the Title IX team, regardless of the amount or quality of the information provided.

Reports are included here only if they are "closed" or "dormant":

Closed Reports:

Reports of sexual misconduct in which

- 1) the College investigated; and
- 2) the report reached final resolution because one of the following took place:
 - a) the report was determined to be Outside of the College's Jurisdiction, or
 - b) the report was resolved by a Hearing Board, or
 - c) the report was resolved without a hearing.

Dormant Reports:

Reports of sexual misconduct in which no final determination was reached due to one or more of the following factors:

- 1) no identifying information was provided to the College;
- 2) the person alleging the prohibited conduct chose not to participate or continue with the process; or
- 3) the College conducted an investigation and, because exceptional circumstances were found not to exist, did not exercise its option of filing an administrative complaint.

Sexual Violence:

Physical sexual acts or attempting physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence includes rape, sexual assault, battery and sexual coercion.

Stalking:

A course of conduct involving more than one instance of unwanted attention, harassment, physical or verbal contact, or any other course of conduct directed at an individual that could be reasonably regarded as likely to alarm or place that individual in fear of harm or injury, including physical, emotional, or psychological harm.

Unable to Categorize:

A report in which not enough information was provided to the College to allow for categorization.