



AMHERST COLLEGE
TITLE IX OFFICE

MEMORANDUM

To: The Amherst College Community
From: Laurie Frankl, Title IX Coordinator
Re: Sexual Misconduct Data Report: Calendar Year 2014
Date: August 27, 2015

I. Introduction

Amherst College's Title IX Office is here to receive, respond to, and assist with the resolution of gender equity concerns -- including sexual misconduct reports -- that affect Amherst College community members. Our mandate is to eliminate, prevent, and redress all known instances of prohibited gender-based misconduct.

This memo provides calendar year 2014 data of sexual misconduct reports received by the Amherst College Title IX Office. This memo also provides data regarding: 1) investigations conducted; 2) options utilized for redress of reports; and 3) the use and outcomes of on-campus adjudications of sexual misconduct complaints. The information presented here is not, however, intended to capture all actions that the College may have taken in response to any given report, such as: 1) the provision of interim measures to affected students; 2) the implementation of safety measures; and 3) and the provision of various types of support and resource options.

The data below, in order to be properly understood, must be read in conjunction with the definitions of key terms, provided in the Appendix to this document.

II. Reports of Sexual Misconduct Received By the Title IX Office

The chart below details the number of reports of sexual misconduct that were brought to the Title IX Office in calendar year 2014. Reports are included in this tally, regardless of their form, quality, or content. Reports are categorized here based on the information provided by the reporting party. A report's label below does not imply any finding that the reported behavior actually occurred-- only that it was reported as such to the Title IX Office.¹

¹ 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 in this report 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,



AMHERST COLLEGE
TITLE IX OFFICE

Calendar Year 2014

Aiding & Facilitating	0
Gender-Based Bullying	1
Relationship Violence	4
Retaliation	0
Sexual Exploitation	0
Sexual Harassment	16
Sexual Violence	18
Stalking	6
Unable to Categorize	13
Total	58

III. Investigations

Amherst College policy, federal law, and our community’s ethics require that the College investigate known instances of sexual misconduct. In most instances, the Title IX Coordinator or a Deputy Title IX Coordinator will initiate contact with involved persons and, when possible, attempt to learn more about the reported conduct. In some matters, such as when a complaint of sexual misconduct is filed or when a report raises particular safety concerns, the College retains an external investigator to conduct a thorough, impartial, and fair investigation of the reported misconduct.

In certain cases, the Title IX Office cannot or does not investigate reported conduct. This is most often the case when there is insufficient information provided with the report to investigate. In other instances, the person who reports having experienced sexual misconduct has requested that no investigation take place and/or that the College maintain their confidentiality. In these situations, pursuant to College policy, the College will take all reasonable steps to investigate or respond to a report of sexual misconduct consistent with the request for confidentiality and /or request not to pursue an investigation. Requests for confidentiality and/or requests that no investigation take place are weighed against a range of factors that are primarily related to community safety.

the data here 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 herein.

² In exceptional circumstances, such as cases that threaten community safety, the College may initiate a sexual misconduct complaint against a student of the college.



AMHERST COLLEGE
TITLE IX OFFICE

For more information about Title IX investigations, please see the Amherst College Student Handbook, Appendices B & C.

Calendar Year 2014

Reports Investigated By an External Investigator	4
Reports Investigated By the Title IX Team	34
Reports Not Investigated	20
Total	58

IV. Redress of Reports of Sexual Misconduct

A. On-Campus Adjudication: Sexual Misconduct Hearing Boards

Allegations of sexual misconduct against Amherst students can be adjudicated before a Sexual Misconduct Hearing Board. This on-campus process is initiated when the person alleging that an Amherst College student committed an act of sexual misconduct files a complaint formalizing their allegations.² Adjudication before a Sexual Misconduct Hearing Board is available when the alleged misconduct is prohibited by the College Sexual Misconduct Policy and the person who has allegedly committed the misconduct is a currently enrolled student.

Calendar Year 2014

Number of sexual misconduct reports for which on-campus adjudication by a Sexual Misconduct Hearing Board was an available option.*	24
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* based on known information at time of report

A Sexual Misconduct Hearing Board, which is composed of three individuals from outside the Amherst College community, is charged with determining the facts and with deciding - for each charge of misconduct alleged – whether the facts amount to a violation of the Sexual Misconduct Policy. The preponderance of the evidence standard is used.

As the chart below details, sometimes a single complaint alleges multiple policy violations arising from the same event or series of events. In these instances, each alleged violation is considered as a separate charge and is brought before a Hearing Board for a determination of responsibility. For example, an allegation of non-consensual sexual intercourse might also include related allegations of non-consensual sexual contact, like an unwanted kiss. These two related charges are considered in one hearing and a Hearing Board makes a finding of responsible or not responsible on each charge. For example, a Hearing Board might find a

² In exceptional circumstances, such as cases that threaten community safety, the College may initiate a sexual misconduct complaint against a student of the college.



AMHERST COLLEGE
TITLE IX OFFICE

student not responsible for a charge of non-consensual intercourse, but responsible for a charge of non-consensual sexual touching.

When a Hearing Board finds that a student has violated the Sexual Misconduct Policy, it determines and issues an appropriate sanction. When a student is found responsible for numerous charges on one complaint, one sanction is issued.

For more information about Amherst College procedures for addressing sexual misconduct complaints against students, please see Appendix C for the Amherst College Student Handbook.

Calendar Year 2014: Complaints Filed, Sexual Misconduct Hearing Boards Convened, and Charges Adjudicated

Complaints of Sexual Misconduct Filed	3
Sexual Misconduct Hearing Boards Convened	3
Total Number of Charges of Sexual Misconduct Adjudicated	8

Calendar Year 2014: Sexual Misconduct Hearing Board Outcomes

-----Sanction Imposed-----

Prohibited Conduct Alleged *	Number of Charges Adjudicated	Responsible Findings	Not Responsible Findings	Expulsion	Dismissal	Suspension	Degree Withheld
Sexual Violence: Non-Consensual Intercourse	5	3	2	1	0	0	1
Sexual Violence: Non-Consensual Contact	3	2	1	0	1	0	0

* For the sake of this report and consistency, charges are labeled here according to the current year's student handbook. Please note: allegations of prohibited conduct are adjudicated according to the definitions operative for the academic year during which the conduct is alleged to have occurred.

B. Non-Adjudicative Redress of Sexual Misconduct Reports

For various reasons, many individuals who believe they have experienced some form of sexual misconduct choose not to pursue on-campus adjudication. Given the Title IX Office's mandate to eliminate, prevent, and redress known instances of sexual misconduct, the College will take the opportunity to provide non-adjudicative redress to reports of sexual misconduct. Non-adjudicative forms of redress may include, among other things: policy or practice enhancements; Title IX trainings; consent workshops; educational conversations; and/or or campus safety



AMHERST COLLEGE
TITLE IX OFFICE

enhancements. Non-adjudicative redress *does not* preclude individuals from filing a sexual misconduct complaint should they so choose.

Calendar Year 2014:

Sexual misconduct reports redressed without on-campus adjudication	28
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The Title IX Office counts all reports of sexual misconduct that are received from any source. This means, among other things, that for some reports that are brought to the Title IX Office no redress is available. Reports for which no redress is available include, among others: 1) reports of misconduct perpetrated by persons not associated with the College community; 2) reports of misconduct that lack identifying information; 3) reports of misconduct that occurred so far in the past that there is no longer available an effective option for redress; and 4) when an investigation reveals that the conduct reported does not fall within Title IX jurisdiction.

Calendar Year 2014

Reports for which redress was unavailable	27
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V. Conclusion

During the course of academic year 2015-2016, the College's Title IX Review Committee will consider the form, content, and dissemination of this annual report.

Please forward any questions or comments to Laurie Frankl at lfrankl@amherst.edu.



AMHERST COLLEGE
TITLE IX OFFICE

Appendix

Aiding or Facilitating: Aiding, facilitating, promoting, or encouraging the commission of a violation under Amherst’s Sexual Misconduct Policy.

Complaint (Sexual Misconduct): A form completed by a person who is alleging that an Amherst College student committed sexual misconduct containing sufficient information to permit the accused student to understand the charges being brought and to adequately respond. The submission of a complaint initiates the process for adjudicating a sexual misconduct allegation against a student.

“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).

“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).

Report (Sexual Misconduct): Any information about suspected or alleged sexual misconduct reported to the Title IX Office, regardless of the amount or quality of the information provided.

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



AMHERST COLLEGE TITLE IX OFFICE

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 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.