Guide to Sexual Misconduct Policy
Responsibilities, Rights, and Resources

Office of Title IX Programs & Compliance
603 S. Main Street, Seneca Room Annex (lake level)
(315) 781-3922

Visit www.hws.edu/titleix
for additional resources

CONTENT WARNING: This guide addresses subject matter related to sexual misconduct and may be sensitive or upsetting.
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guide to Sexual Misconduct Policy</td>
<td>3</td>
</tr>
<tr>
<td>Responsibilities, Rights, and Resources</td>
<td>3</td>
</tr>
<tr>
<td>Sexual Misconduct Policy</td>
<td>4</td>
</tr>
<tr>
<td>Consequences of Violating Sexual Misconduct Policy</td>
<td>4</td>
</tr>
<tr>
<td>What is Title IX</td>
<td>5</td>
</tr>
<tr>
<td>Sexual Misconduct Definitions</td>
<td>6</td>
</tr>
<tr>
<td>Sexual Harassment</td>
<td>6</td>
</tr>
<tr>
<td>Gender-Based Harassment</td>
<td>6</td>
</tr>
<tr>
<td>Sexual Assault</td>
<td>7</td>
</tr>
<tr>
<td>Affirmative Consent</td>
<td>7</td>
</tr>
<tr>
<td>Incapacitation</td>
<td>9</td>
</tr>
<tr>
<td>Sexual Exploitation</td>
<td>10</td>
</tr>
<tr>
<td>Intimate Partner Violence</td>
<td>10</td>
</tr>
<tr>
<td>Physical Assault</td>
<td>10</td>
</tr>
<tr>
<td>Stalking</td>
<td>10</td>
</tr>
<tr>
<td>Retaliation</td>
<td>11</td>
</tr>
<tr>
<td>Who Experiences Sexual Misconduct?</td>
<td>11</td>
</tr>
<tr>
<td>Support and Reporting</td>
<td>12</td>
</tr>
<tr>
<td>Get Help Now</td>
<td>12</td>
</tr>
<tr>
<td>Reporting Rights</td>
<td>12</td>
</tr>
<tr>
<td>Confidential Resources</td>
<td>14</td>
</tr>
<tr>
<td>Non-Confidential Resources</td>
<td>15</td>
</tr>
<tr>
<td>Reporting Options</td>
<td>16</td>
</tr>
<tr>
<td>Anonymous &amp; Online Reporting</td>
<td>16</td>
</tr>
<tr>
<td>How to Help a Friend</td>
<td>17</td>
</tr>
<tr>
<td>Primary Prevention</td>
<td>18</td>
</tr>
<tr>
<td>Bystander Intervention</td>
<td>18</td>
</tr>
<tr>
<td>Student Bill of Rights</td>
<td>19</td>
</tr>
<tr>
<td>Campus Resources Map</td>
<td>20</td>
</tr>
</tbody>
</table>
Guide to Sexual Misconduct Policy
Responsibilities, Rights, and Resources

Hobart and William Smith Colleges are committed to fostering a welcoming, safe, non-discriminatory and harassment-free educational, living, and working environment for all members of the HWS community. HWS does not discriminate on the basis of sex in any education or employment programs or activities. This brochure is provided for three distinct reasons:

**Responsibilities:** Read this brochure to guide you through the behavioral expectations set by the Sexual Misconduct Policy and learn the consequences for misconduct.

**Rights:** Learn the rights of survivors of sexual misconduct and of persons charged with sexual misconduct that are protected by the Sexual Misconduct Policy as well as by state and federal law.

**Resources:** Keep this brochure to find support services if you, a friend, or a coworker experience sexual misconduct. You can also find this brochure on the Title IX website.
Sexual Misconduct Policy

The Colleges will not tolerate sexual misconduct. The phrase ‘sexual misconduct’ describes varying degrees of discrimination and wrongdoing based on one’s gender, sexuality, and/or sexual orientation. The Colleges’ Sexual Misconduct Policy prohibits all sexual misconduct including: Sex or Gender-Based Harassment, Sexual Assault, Sexual Exploitation, Intimate Partner Violence, Physical Assault, Stalking, and Retaliation. Definitions of these terms begin on page 6.

Consequences of Violating Sexual Misconduct Policy

Following a determination that a person has violated the Sexual Misconduct Policy, the Colleges will impose sanctions as appropriate. Possible sanctions include:

- Probation;
- Conduct warning;
- Suspension;
- Expulsion/permanent separation;
- Organizational sanctions including probation and rescinding recognition; and/or
- Any other educational and/or remedial measures to eliminate, prevent or address the Prohibited Conduct.

A single sanction or a combination of sanctions may be issued. When any group (student group, student organization or team) is determined to have acted in violation of this Policy, the group will receive a sanction ranging from probation to loss of recognition or status.

Transcript Notation: After a finding of ‘responsible for violating the Sexual Misconduct Policy’ the Title IX Coordinator will direct the Registrar to make a notation on the Respondent’s transcript stating that the student was “expelled (or suspended) after a finding of responsibility for a code of conduct violation.” Students who withdraw from the Colleges while under investigation for Prohibited Conduct will have a notation placed on their transcript stating, “withdrew with conduct charges pending.” Notations following an expulsion or withdrawal are permanent. After one year, Respondents who have been suspended may appeal, requesting the removal of the notation.
What is Title IX?

Title IX is a federal civil rights law that prohibits colleges and universities that receive Federal financial assistance from discriminating on the basis of sex in education programs and activities. Sexual harassment, which includes acts of Sexual Assault, is a form of sex discrimination prohibited by Title IX. Title IX provides:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C §1681, et seq.

What Does the Office of Title IX Programs & Compliance Do?

The Title IX Office of Programs and Compliance receives reports and complaints of sexual misconduct and processes these in accordance with the HWS Sexual Misconduct Policy. We provide fair, impartial and equitable service to all parties. The Title IX Office also provides services including assistance initiating legal proceedings, no contact orders and reporting to law enforcement. Other services may include the facilitation of changes in academic schedules, housing assignments, transportation and safety measures. Additionally, we lead prevention and education efforts in our community and provide training to the HWS community regarding the Sexual Misconduct Policy, individuals’ rights and responsibilities and available resources.

Role of Title IX Coordinator

The Colleges’ Title IX Coordinator can provide information about the Colleges’ Sexual Misconduct Policy resources and options available to students, faculty and staff. The Title IX Coordinator receives reports of incidents of sexual violence, sexual assault, sex discrimination, sexual/sex harassment, gender-based harrassment, stalking, and intimate partner violence and ensures that the Colleges respond effectively to each report, which may include conducting investigations. The Title IX Coordinator also oversees the Colleges’ training, prevention, and education efforts.
**Sexual Misconduct Policy Definitions**

Sexual misconduct describes varying degrees of discrimination and wrongdoing based on an individual’s sex, gender, sexual orientation, gender identity, and/or gender expression. Any sexual contact or activity that occurs without the informed and Affirmative Consent of any individual involved is considered sexual misconduct. The Colleges’ Sexual Misconduct Policy prohibits all sexual misconduct including:

- Sex or Gender-Based Harassment
- Sexual Assault
- Sexual Intercourse
- Sexual Contact
- Sexual Exploitation
- Intimate Partner Violence
- Physical Assault
- Stalking
- Retaliation

**Sexual Harassment**

Any unwelcome sexual advance, request for sexual favors, or other unwelcome conduct of a sexual nature whether verbal, non-verbal, graphic, physical or other, when conditions (1) and/or (2), below, are present:

**Gender-Based Harassment**

Any act of aggression, intimidation, or hostility, whether verbal, non-verbal, graphic, physical, or otherwise, even if the act does not involve conduct of a sexual nature, when the acts are based on the sex, gender, sexual orientation, gender identity or gender expression and conditions (1) and/or (2), below, are present:

(1) submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment, academic standing or participation in any HWS program and/or activity or used as the basis for decisions affecting the individual (quid pro quo harassment);

2) such conduct creates a hostile environment. A hostile environment exists when the conduct is sufficiently severe, pervasive or persistent that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the Colleges’ education or employment programs and/or activities. The conduct must be deemed severe, pervasive or persistent under both a subjective and objective standard.

The determination of whether an environment is “hostile” must be based on the totality of known circumstances, including:

- the frequency, nature and severity of the conduct;
- whether the conduct was physically threatening;
- the effect of the conduct on the Complainant’s mental and/or emotional state;
• whether the conduct was directed at more than one person;
• whether the conduct arose in the context of other discriminatory conduct;
• whether the speech or conduct unreasonably interfered with the Complainant’s educational or work opportunities or performance including study abroad, HWS-controlled living environment, work opportunities, or performance; and
• whether the conduct implicates concerns related to academic freedom or freedom of speech

A hostile environment can be created by persistent or pervasive conduct or, if sufficiently severe, by a single incident. The more severe the conduct, the less need there is to show a repetitive series of incidents to create a hostile environment, particularly if the harassment is physical.

**SEXUAL ASSAULT**

Sexual Assault is having or attempting to have sexual intercourse or sexual contact with another individual without Affirmative Consent.

**Sexual intercourse** is any vaginal or anal penetration, however slight, with any object or by a penis, tongue, finger, or other body part performed by an individual upon another individual. Sexual intercourse also includes any contact, however slight, between the mouth of one individual and the genitalia of another individual.

**Sexual contact** is any intentional sexual touching, however slight, of the breasts, buttocks, groin, or genitals, whether clothed or unclothed, with any object or body part performed by another individual upon another individual. Sexual contact includes making an individual touch another individual with or on the breasts, buttocks, groin, or genitals.

**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, mutually understandable permission regarding willingness to engage in the sexual activity. The definition of consent does not vary based upon a participant’s sex, gender, sexual orientation, gender identity, or gender expression.

It is the responsibility of the person who wants to engage in a specific sexual activity to obtain consent for that specific sexual activity. Silence, passivity or lack of resistance, in and of itself, does not demonstrate consent.

Affirmative Consent is:
• **Informed and reciprocal:** All parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way.
• Incapable of being given by a person less than 17 years of age under New York state law,
• **Freely and actively given:** Affirmative Consent cannot be obtained through the use of force, including physical force, threats, intimidation or coercion.

  - Threats are words or actions that would compel a reasonable person to engage in unwanted sexual activity against their will.
  - Intimidation is an implied threat that menaces or causes reasonable fear in another individual.
  - Coercion is the improper use of pressure to compel another individual to initiate or continue sexual activity against that individual’s will.

• **Mutually understandable:** Affirmative Consent is best achieved through clear, verbal communication. Relying solely on non-verbal communication can lead to misunderstanding and may result in a violation of the Policy. Talking prior to engaging in sexual activity and during sexual activity is encouraged. If confusion or ambiguity arises during sexual activity, participants are encouraged to stop and clarify a mutual willingness to continue that activity.

• **Not indefinite:** Affirmative Consent may be withdrawn by any party at any time. An individual who seeks to withdraw Affirmative Consent must communicate, through clear words or actions, a decision to cease the sexual activity. Once Affirmative Consent is withdrawn, the sexual activity must cease immediately and all parties must obtain mutually expressed or clearly stated Affirmative Consent before continuing further sexual activity.

• **Not unlimited:** Each party must consent to each instance of sexual contact, each time. Prior consensual sexual activity does not, by itself, constitute consent to future sexual activity. Even in the context of a current or previous intimate relationship, each party must consent to each instance of sexual contact, each time.

• **Is specific:** Affirmative Consent to one form of sexual contact does not constitute Affirmative Consent to all forms of sexual contact, nor does Affirmative Consent to sexual activity with one person constitute Affirmative Consent to activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant.

• **Affirmative Consent must exist from the beginning to the end of each instance of sexual activity and for each form of sexual contact.**

• **Affirmative Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.**

• **Affirmative Consent cannot be given by a person who is incapacitated.**

• **Affirmative Consent cannot be obtained by taking advantage of the incapacitation of another person where the person initiating sexual activity knew or reasonably should have known that the other was incapacitated.**

• **An incapacitated person lacks the conscious knowledge of the nature of the act or is physically helpless, asleep, unconscious, or otherwise unaware that sexual activity is occurring.**

  - Incapacitation can be the result of the consumption of alcohol or other drugs (legal or illegal) or due to a temporary or permanent physical or mental health condition.
  - Incapacitation is a state where an individual cannot make an informed and rational decision to engage in sexual activity.
**Incapacitation**

An individual who is under the influence of alcohol and/or other drugs may be incapacitated, and therefore unable to consent. Incapacitation is a state beyond drunkenness or intoxication. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation. The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or other drugs impacts an individual’s:

- decision-making ability;
- awareness of consequences;
- ability to make informed judgments; and
- capacity to appreciate the nature and the quality of the act.

Although every person may manifest signs of incapacitation differently, typical signs may include slurred or incomprehensible speech, unsteady gait, combativeness, emotional volatility, vomiting, or incontinence.

A person who is incapacitated may not be able to understand some or all of the following questions:

“Do you know where you are?”  “Do you know how you got here?”
“Do you know what is happening?”  “Do you know who you are with?”

In evaluating Affirmative Consent in cases of alleged incapacitation, the Colleges ask two questions:

1. Did the person initiating sexual activity know that the other party was incapacitated?
2. Should a sober, responsible person in the same situation have known that the other party was incapacitated?

** If the answer to either of these questions is yes, the party was incapacitated and could not give Affirmative Consent.

- In general, sexual contact while under the influence of alcohol and/or other drugs poses a risk to all parties. Alcohol and drugs impair a person’s decision-making capacity, ability to communicate clearly, awareness of the consequences, and ability to make informed judgments.
- Individuals engaging in sexual activity should continually evaluate Affirmative Consent throughout the encounter. An individual who does not initially appear to be incapacitated may become incapacitated as the effects of alcohol and/or other drugs increase.
- If there is any doubt as to the level or extent of the other individual’s intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

**Being impaired by alcohol and/or other drugs is not a defense for a person charged with a violation of the Sexual Misconduct Policy.**
**SEXUAL EXPLOITATION**

Sexual exploitation is purposely or knowingly:

- observing or allowing third parties to observe an individual’s genitalia, groin, breasts or buttocks or private sexual activity without the knowledge and consent of the participants, including through a hidden location or through electronic means in a place where there is a reasonable expectation of privacy;
- recording or photographing an individual’s genitalia, groin, breasts or buttocks or private sexual activity without consent;
- disseminating recordings or photographs of an individual’s genitalia, groin, breasts or buttocks or private sexual activity without consent;
- exposing genitals or inducing another to expose their own genitals without Affirmative Consent;
- exposing another individual to a sexually transmitted infection without the other's knowledge;
- causing incapacitation of another individual through alcohol, drugs, or any other means, for the purpose of compromising that individual’s ability to consent to sexual activity; or
- assisting or otherwise facilitating any act of Prohibited Conduct.

**INTIMATE PARTNER VIOLENCE**

Intimate Partner Violence includes any act of violence or threatened act of violence against a person who is, or has been involved in, a relationship of a sexual, dating, domestic, or other intimate nature with the Respondent. Intimate Partner Violence is not a distinct form of Prohibited Conduct. Intimate Partner Violence can encompass a broad range of behavior and may include Sexual or Gender-Based Harassment, Sexual Assault, Sexual Exploitation, Physical Assault, Stalking, and Retaliation.

The Colleges will evaluate the existence of the relationship based upon the Complainant’s statement and take into consideration the length of the relationship, the type of relationship, and the frequency of interaction between the individuals involved in the relationship.

**PHYSICAL ASSAULT**

Physical assault is threatening or causing physical harm or engaging in other conduct that threatens or endangers the health and safety of any person. The Colleges will address Physical Assault under the Sexual Misconduct Policy when it occurs in the context of Intimate Partner Violence or is based upon the sex, gender, sexual orientation and/or gender identity or expression of the Complainant.

**STALKING**

Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear for the person’s safety or safety of others or to suffer substantial emotional distress.
• **Course of conduct** means two or more acts, including but not limited to, acts in which an individual directly, indirectly or through third parties, by any action, method, device or means follows, monitors, observes, surveils, threatens or communicates to or about another individual, or interferes with another individual’s property.

• **Substantial emotional distress** means significant mental suffering or anguish.

• **Reasonable person** means a reasonable person under similar circumstances and with similarities to the victim.

• **Stalking includes cyber-stalking**, a particular form of stalking in which an individual uses electronic media such as the internet, social networks, blogs, cell phones, texts or other similar devices or forms of contact.

### Retaliation

Retaliation is any adverse action taken against an individual because they were involved in the reporting, investigation or resolution of a report of Prohibited Conduct. Retaliation includes threats, intimidation, harassment, coercion, violence or any other conduct that would discourage a reasonable person from engaging in activity protected under the Sexual Misconduct Policy.

Retaliation may occur even where there is a finding of “not responsible” under the Sexual Misconduct Policy. Good faith actions lawfully pursued in response to a report of Prohibited Conduct are not Retaliation. Retaliation should be promptly reported to the Title IX Coordinator and will be investigated and resolved under the Sexual Misconduct Policy and Procedures.

### Who Experiences Sexual Misconduct?

Anyone can experience sexual misconduct. It is never the survivor's fault. If you or someone you know has experienced sexual misconduct, you have a community that is concerned for you and your well-being.

- **One in five college women** have experienced sexual assault. (Bureau of Justice Statistics, 2016)
- **1 in 16 men** reported experiencing sexual assault while in college, according to a research report submitted to the U.S. Department of Justice.
- **21% of TGQN** (transgender, genderqueer, nonconforming) college students have been sexually assaulted. (Association of American Universities, 2015)
- **46.4% of lesbians, 74.9% of bisexual women, and 43.3% of heterosexual women** reported sexual violence other than rape during their lifetime. **40.2% of gay men, 47.4% of bisexual men, and 20.8% of heterosexual men** reported sexual violence other than rape during their lifetime (Walters, M.L., Chen, J., & Breiding, M.J., 2013).
- Among college women, **9 out of 10 survivors** knew the person who sexually assaulted them (Fisher, Cullen, & Turner, 2000).
Support and Reporting

GET HELP NOW
If you have been impacted by sexual assault, relationship violence, harassment or stalking, it is not your fault regardless of what you did or did not do. There are many resources available and we will support you as you make the decisions that are best for you.

IF YOU HAVE AN IMMEDIATE SAFETY CONCERN OR HAVE A SERIOUS INJURY:
Call HWS Campus Safety at (315) 781-3333 or contact the Geneva Police Department by calling 911 or (315) 789-1111 or New York State Police at (844) 845-7269. Seeking help from Campus Safety or the police does not obligate you to file a report.

REPORTING RIGHTS
You have the right to make a report to Hobart and William Smith’s Office of Campus Safety, local law enforcement, and/or New York State Police or choose not to report; to report the incident to Hobart and William Smith’s Office of Title IX Programs and Compliance; to be protected by the Colleges from retaliation for reporting an incident; and to receive assistance and resources from the Colleges.
**Consider getting medical attention:** You have the choice of getting medical assistance and preserving evidence by completing a Sexual Assault Nurse Examiner (SANE). A specially trained SANE nurse is available 24 hours a day, 7 days a week at F.F. Thompson Hospital, 350 Parrish St., Canandaigua, N.Y. 14424, (585) 396-6000. You are not obligated to file a report with HWS or the police if you have a SANE exam performed. HWS will confidentially cover any fees for the SANE exam. You may go to F.F. Thompson on your own or Campus Safety can provide transport (this will not prompt a report via Campus Safety). You may also request an advocate from Safe Harbors of the Finger Lakes (see below) to accompany you for the exam.

To receive prophylactic medication and assure that evidence is recovered, you should have the SANE exam completed as soon as possible following a sexual assault. To preserve evidence it is recommended that you do not change your clothes, shower, brush your teeth, or eat or drink anything. If you do remove items of clothing, place them in a paper (not plastic) bag.

The Title IX Coordinator and Deputy Coordinator are available to help connect you with support resources. You do not have to make a report to get assistance from the Title IX staff. Examples of support services may include academic accommodations, housing changes, no contact orders, and other measures to ensure safety, prevent retaliation and avoid an ongoing hostile environment.

**Emotional support:** You may speak to a HWS counselor on-call 24 hours a day, 7 days a week by calling Campus Safety at (315) 781-3333 and asking to speak with the counselor on call. You do not have to give your name.

**Safe Harbors of the Finger Lakes** is a local rape crisis and domestic violence center that provides free, confidential support and advocacy for anyone who has experienced sexual assault, sexual abuse, or intimate partner violence. You may text the Safe Harbors’ College Liaison Maggie McAdams at (315) 719-2427 or you may call their **24 hour help line** (800) 247-7273.
Confidential Non-Reporting Resources

A confidential non-reporting resource will not share any information with others including the Office of Title IX Programs & Compliance, except in circumstances involving imminent danger to self or others.

On-Campus Confidential Non-Reporting Resources

• Counseling Center (315) 781-3388
  Monday-Friday 9 a.m. to 12 p.m. and 1:15 p.m. to 5 p.m.
  24 hour crisis line available via Campus Safety (315) 781-3333; ask the responding officer for the counselor on-call.
  91 St. Clair Street, Geneva, N.Y.

• Hubbs Health Center (315) 781-3600
  Monday-Friday 8:30 a.m. to 6:30 p.m.
  A Sexual Assault Nurse Examiner (SANE) is not available at Hubbs but they can help connect you to the service at F.F. Thompson Hospital.

• Pastoral Care: Maurice Charles, Chaplain (315) 781-3670
  Monday-Friday 8:30 a.m. to 5 p.m.
  charles@hws.edu

Off-Campus Confidential Non-Reporting Resources

• Safe Harbors of the Finger Lakes (315) 781-1093
  24 hour help line (800) 247-7273
  http://safeharborsfl.org

• F.F. Thompson Hospital (585) 396-6000
  350 Parrish Street, Canandaigua, N.Y. 14424
  A Sexual Assault Nurse Examiner (SANE) is available at F.F. Thompson and can provide an exam whether you choose to report to police or the Colleges, or choose to not report.

• Family Counseling Service of the Finger Lakes, Inc.
  (315) 789-2613 or 1 (877) 789-2613
  24 hour help line 1 (800) 695-0390
  Available through EAP for eligible employees and their families.
Non-Confidential Reporting Resources

A non-confidential reporting resource will only share information with those who have a need to know. They will maintain privacy but must share all reports with the Office of Title IX Programs & Compliance.

Note that all HWS faculty, staff and administrators including Residential Assistants (RAs) are responsible/reporting employees (unless designated a confidential employee). Responsible/reporting employees are required to report sexual misconduct to the Title IX Coordinator or Deputy Title IX Coordinator.

On-Campus Non-Confidential Reporting Resources

• Campus Safety (315) 781-3000 / Emergency Line (315) 781-3333
  Campus safety officers are here to support you. Officers can contact a member of the Office of Title IX Programs & Compliance, on-call staff, the Geneva Police Department, and/or medical personnel.

• Susan Lee, Title IX Coordinator (315) 781-3922
  Monday-Friday 8:30 a.m. to 5:00 p.m.
  Office of Title IX Programs & Compliance
  603 South Main Street, Seneca Room Annex (lake level)

• Tremayne Robertson, Deputy Title IX Coordinator (315) 781-3922
  Monday-Friday 8:30 a.m. to 5:00 p.m.
  Office of Title IX Programs & Compliance
  603 South Main Street, Seneca Room Annex (lake level)

• Residence Coordinators and Resident Assistants (315) 781-3880
  Monday-Friday 8:30 a.m. to 5:00 p.m.
  101 St. Clair Street
  You can call (315) 781-3000 to speak with a member of the Residential Education staff 24 hours a day, 7 days a week.

Off-Campus Non-Confidential Reporting Resources

• Geneva Police Department (315) 789-1111
  235 Exchange Street, Geneva, N.Y.

• New York State Police 24 hour help line 1 (844) 845-7269
What Can You Expect When Interacting With the Office of Title IX Programs and Compliance?

Anyone who reports, files a complaint of sexual misconduct, serves as a witness in an investigation, has had a complaint filed against them, or is seeking more information can expect to be treated with respect, support, care, and concern. The Office of Title IX Programs & Compliance uses prompt and equitable procedures to assess, investigate, and adjudicate complaints of Sexual Misconduct. The investigation of an incident of Sexual Misconduct is a neutral fact-gathering process.

Reporting Options

The Colleges encourage all individuals to make a report to either the Colleges, law enforcement, or both. Both internal reports to the Colleges and external criminal reports may be pursued simultaneously or individually. The Colleges will respect the decision you make. Individuals have the right to decline to notify law enforcement.

If you decide that you want to report to law enforcement and/or to an on-campus resource, you are not committed to participate in further action. Please note that if you report to a non-confidential reporting resource, the Colleges have an obligation to investigate the report if needed to ensure the safety of others or the community, even if you request that no complaint be filed. You have the option to determine how involved you would like to be in the process.

Anonymous and Online Reporting Options

Any individual may make an anonymous report concerning an act of sexual assault, stalking, intimate partner violence, harassment, or other sexual misconduct. For guidance on making an anonymous online report, visit www.hws.edu/titleix. Any individual may report an incident without disclosing one’s name, identifying anyone involved, or requesting any action. Anonymous reports will be reviewed and appropriate response and action taken but our ability to respond will be limited if we cannot contact you and/or we have incomplete information. To ensure you get the right resources, we encourage you to call the Title IX Office at (315) 781-3922 to make an anonymous report and/or to anonymously seek information about options and resources.

Making a Report On-Campus

You can file a complaint against another member of the HWS community at any time. Please see the HWS Sexual Misconduct Policy at www.hws.edu/titleIX for a description of the process and reporting options. The Title IX Coordinator, Susan Lee, and the Deputy Title IX Coordinator, Tremayne Robertson, can provide support in reporting, housing accommodations, academic support, complaint processing, medical assistance, and other assistance you may need.

Even if the person you are reporting is not a member of the HWS community, a Title IX Office staff member will assist you with resources to meet your needs.
Making a Report Off-Campus

A report to the police can be made independent of any actions you take on-campus. Title IX Office staff members can assist you with reporting to the police or you can call the police independently, or with a friend. Geneva police officers can be contacted at any time and are professionally trained to conduct investigations related to sexual violence.

HWS Amnesty Policy

The health and safety of every HWS student is of utmost importance. The Colleges recognize that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that sexual misconduct occurred may be hesitant to report such incidents due to fear of potential consequences for their own conduct or the conduct of others. A bystander acting in good faith or a Complainant acting in good faith that discloses any incident of sexual misconduct to the Colleges or law enforcement will not be subject to disciplinary action under the HWS Community Standards for violations of alcohol and/or drug use policies based on ingestion occurring at or near the time of the reported sexual misconduct.

Other individuals present will also not be subject to disciplinary action under the HWS Community Standards for violations of alcohol and/or drug use policies based on ingestion occurring at or near the time of the reported sexual misconduct.

How to Help a Friend

Support
Talk to your friend and let them know that you have noticed a change in their behavior and that you are there to support them. If your friend chooses to tell you about their experience, this person has made the choice based on trust. You should be supportive, non-judgmental, and listen. What they experienced was not their fault.

Believe
The most supportive step you can take for a friend is to believe them. Take the information seriously, but remember that it is not your job to assess the situation or investigate the facts.

Refer
HWS has many support resources available for its community members. HWS can confidentially share resources and information with you in order for you to relay this information to your friend.

Care For Yourself
Counseling services are also available for the person supporting a survivor. The process of supporting a survivor may be stressful for you and having someone you can talk with confidentially can help you stay balanced.
Primary Prevention

• Katie Stiffler, Prevention and Education Coordinator (315) 781-3922
Office of Title IX Programs & Compliance
603 South Main Street, Seneca Room Annex (lake level)

The Prevention and Education Coordinator is responsible for the creation, development, implementation and assessment of primary prevention, intervention, education and training efforts to engage HWS student, faculty, and staff in the reduction and elimination of sexual misconduct including sexual assault, relationship violence, and gender based violence, harassment and discrimination. Please contact Katie Stiffler at (315) 781-3922 or stiffler@hws.edu to find out how you can get involved.

Healthy Relationships

Every individual has the right to healthy and fulfilling relationships – sexual or not. HWS offers learning opportunities for students to develop skills to create healthy relationships and to identify potentially problematic and/or dangerous behavior within relationships.

Bystander Intervention

Members of the HWS community are responsible for each other and we each have a role to play in preventing sexual misconduct. While no one person can eliminate sexual and relationship violence, each individual has the power to influence social change. One of the most effective ways to engage in social change is to become an active bystander and intervene when you witness a potentially dangerous situation. Consider the following tips for intervening:

• Assess the situation: determine if it is safe for you to intervene
• Take action: use direct or indirect actions to interrupt the situation
• Involve other people: recruit your friends or a trusted resource to assist you
• Call the police if the situation escalates and becomes dangerous

What Else Can the HWS Community Do?

Respect and communicate with each other. Ask questions, discuss expectations, and get Affirmative Consent from the other person(s) before engaging in sexual activity.

Speak up if you witness something that does not seem right. Simply asking the question “Is everything okay?” can make a huge impact on the outcome of a situation. Offer assistance to other students or offer to walk someone home if you think they appear to be too intoxicated to safely do so. It is better to ask a question and be wrong than to ignore a situation.

Become an active bystander and learn how to safely and effectively intervene in potentially dangerous situations.
Sexual Misconduct Policy

STUDENT BILL OF RIGHTS

All Hobart and William Smith students have the right to:

- Make a report to local law enforcement and/or state police;
- Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
- Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
- Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
- Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
- Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
- Access to at least one level of appeal of a determination;
- Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.
CAMPUS RESOURCES MAP

Campus Safety - off Pulteney Street in the Campus Services building in the northeast corner of the Medbery parking lot

Center for Counseling and Student Wellness* - 91 St. Clair Street

Chaplain’s Office* - St. John’s Chapel, S. Main Street (annex)

Dean’s Offices
  - Hobart Dean - Smith Hall
  - William Smith Dean - Smith Hall

Hubbs Health Center* - 119 St. Clair Street

Residential Education Office - 101 St. Clair Street

Student Life Office - Scandling Campus Center

Office of Title IX Programs and Compliance - 603 S. Main Street, Seneca Room Annex (lake level)