

**STUDENT ASSEMBLY MEETING**

**OCTOBER 10TH, 2016**

**1. Call to Order**

Present:

- Kureem Nugent
- Lizzi Tran
- Gillian Mak
- Alex Hollister
- Kaitlin Dunne
- Jonathan Stanhope
- Kacy Hobbs
- Aleta Brown
- Jeremy Cottle
- Danny Reyes
- Ilana Schwartz
- Lilly Pieper
- Ryan Bloom
- Ryan Franquiz
- Gabby Troya
- Zach Oscar
- Jack Martin
- Annalie Garcia
- Rachel Dawson
- Harry Dubke
- Maggie Horne
- Jonathan Kishenbaum
- Jordan D'Addio
- Ben Katz
- Ishan Bhatia
- Cesar Domenech
- Julian Perricone
- Nani Suzuki
- Eseosa Asiruwa
- Ben Isenberg
- Ram Franqui

Excused:

- Silvia Radulescu
- Isabel Grieder

**2. New Business**

- **Jonathan Stanhope, Parliamentarian and Chair of Constitution Committee:**  
Proposing changes to the Student Assembly Constitution and Bylaws



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- Good evening, everybody. Thank you all for coming tonight. Thank you to Lisa for being here as well. I know most of you are here to listen to her speak, not me, so I'll try to keep this portion of the meeting as brief as possible while still leaving time for thorough discussion.

In front of you all tonight are two portions of the Student Assembly constitution, each section stapled with the two sections paper clipped together. Marked with a pink highlighter, in these packets, are the changes that the constitution committee and I unanimously recommend that the Central Council adopt, and that I encourage all of you to vote to amend tonight.

As parliamentarian, it is my job to advise Kureem, Lizzi, and the other members of the E-board and the rest of Student Assembly on matters pertaining to the Student Assembly Constitution. Part of the job entails drafting substantive and structural changes to the constitution, such as changing the rules for receiving funding. But the job also entails keeping the document up to date and making sure the language in it reflects the attitudes of the student body.

The changes that we are recommending tonight are quite simple: we are asking that the Central Council vote to replace all gender pronouns--he/she, he/her, his/hers--with the name of the actual position to which these pronouns refer. For example, if you turn to page 15, I believe its the the back side of that top page right in the first packet, under Section 6, subsection B, you can see one of the edits. As it stands, this now reads:

*"The vice president shall assume all the responsibilities of the president in his or her absence." But in the version with the proposed changes, which you're looking at right now, the new constitution will read "The vice president shall assume all the responsibilities of the president in the president's absence."*

I want to stress that, if we do vote to adopt these changes, no part of the Constitution or the bylaws will change in practical meaning. What it will do, however, is remove any sort of gender-binary language, which, when left in the Constitution, implies that someone who does not identify as one of the two traditional genders is unable to hold a Student Assembly position. And obviously, that is not the case. Although it may seem like a minor, sort of semantic adjustment, I think it is a huge step in the right direction. In effect, it signals to the student body that Student Assembly is welcoming to people of all genders, and helps us to expand the circle of inclusivity to include all students.

For the Central Council to adopt these changes, we will need to take two separate votes. The first vote will be on the first of the two packets, the one that covers pages 14 through 19. In order to make the edited language official, there needs to be a "Yes" (or yea) vote from  $\frac{3}{4}$  of the voting assembly members that are here tonight. These changes will then go up for student body vote in December, and if supported by a majority of the student body, will become the official wording of the Student Assembly Constitution.



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For the second packets, the one on the bottom, which covers pages 21 through 27, adopting the changes requires the support of just ½ of the student assembly members present tonight. These are the Bylaws, and do not need to be approved by the student body.

So, I guess we should now open it up for discussion, then if there's a motion and a second then we can bring these changes to a vote. I'll take any questions that you may have.

***\*\*Both sets of amendments passed with the unanimous support of Student Assembly. The changes to the constitution will now head to a student body vote in December.\*\****

- **Lisa Magnarelli, Senior Associate Dean and Title IX Coordinator:** Addressing Harassment and Sexual Misconduct Board Annual Report
  - **Kureem Nugent:** With a lot of people here tonight, I would like to establish a few ground rules for the discussion. Please be respectful to others. Please do not cut off people off when they are speaking, and please reduce follow up questions.
  - **Lizzi Tran:** Thank you all for coming and participating in this discussion. If you hear knocking by the Central Council, it is a sign of agreement. If you would like to speak, please state your first and last name and your class year so Gillian, our secretary, can document it for the SA minutes.
- **Lisa Magnarelli:** I'm the Senior Associate Dean of Students and the Title IX Coordinator for the college. I am joined by Tina Hall, the new Chair of the Harassment and Sexual Misconduct Board. We are both responsible for sending out the report last Monday. Based on the feedback I had received, I am really hoping this could be a conversation. It is not my intention that this will be a presentation. I want to provide context to the extent that I can hear student feedback. I have received a lot of feedback through email and through conversations. I have also seen the various signage and know that there are strong responses to them. Thank you to Kureem and Lizzi for creating this space to serve as a forum for this discussion because I know that the minutes are sent out to the campus as a whole.

My understanding is that there are people who were confused and/or upset and wanted more information about the HSMB annual report that was sent out last week. To provide some context, our Sexual Misconduct policy covers a wide variety of violations from verbal interactions to unwanted physical touching to non-consensual penetration. We had a wide variety of complaints that spanned a wide spectrum. The board reviewed the complaints and did a thorough investigation. As such, there were a variety of sanctions.

I can say with confidence, the board did not assign points for people found responsible for "rape" or what we would consider in our policy as non-consensual penetration. Students found responsible for such are expelled. That has been the precedent that Hamilton follows. We say it in our policy. I have no interest in



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protecting rapists. The college is not interested in protecting students who are found responsible for that act. We are committed for a thorough and fair process for the students who report.

I, on behalf of the board, want to be as transparent as possible, however we are bound by federal and state constraints and that limits what I am able to tell the campus about the issues that come before the board.

It is a very complicated and difficult policy to maintain, enforce, and educate the campus about. Nobody in the administration or on the board takes it lightly. The board spends hours upon hours in extensive training to be educated about this type of adjudication. We are in full compliance with state and federal guidelines. I am very proud of our process and policy. We have worked very hard. We do it better than most colleges. We are not trying to hide anything. We are not. I know there are those that may disagree with that, I certainly accept that point of view. If there are things we could be doing better, I want to know that. I want to have this conversation. I want to hear what people say. Please understand that there are limits to how we can change the policy.

- **Charlotte Bennett '17:** I love Hamilton. This campus has been my home, provided me with amazing opportunities, and continues to support me in my academic and personal endeavors. Though I do not hesitate to speak out against the sexual violence on this campus, it's important to acknowledge that there are many reasons why we should all be proud and excited to be a part of this community. We should not forget this.

Currently, colleges implement certain policy changes as a way to accommodate the federal government. Schools will comply with federal Title IX requirements as a way to check off boxes. Hamilton is better than this. Hamilton should strive to be better than this. However, this requires that we do not remain stagnant. Hamilton's Title IX policy should be a perpetually evolving document. It should also be one that is informed by feedback. It is in every single person's best interest to acknowledge the prevalence of sexual violence at Hamilton and to listen to the stories of survivors because we cannot know what effective policy looks like if we do not encourage discussions about what works, what doesn't, what needs to be tweaked, and how we can improve. That is why I am here.

My work experience informs my suggestions to Hamilton's Title IX policy. For two years, I worked at a nonprofit that provided shelter, food, clothing, and counseling to survivors of domestic violence. I worked as a legislative and policy intern at SurvJustice, a nonprofit that both provides legal services to victims of campus sexual assault and advocates for larger policy reform. SurvJustice opened the federal investigation against Hamilton when they failed to comply with federal Title IX requirements. This investigation demonstrates that Hamilton does not have a history of abiding by these standards. I am also a member of Hamilton's SAVES, a Peer Advocate, and have led campus discussions on issues of sexual health, campus sexual assault, and abusive



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relationships. Additionally, I work at The Center for Sexual Assault Crisis Counseling & Education, a counseling and hotline center. I have completed legal trainings that detail the issues related to campus sexual assault hearings through the National Alliance of Victims' Rights Attorneys & Advocates. I am currently completing an independent study with Vivyan Adair to identify where Hamilton's dating violence policy is effective, where it isn't, and how we can improve this policy to more effectively respond to reports of abusive relationships at Hamilton.

More importantly, though, my work is also informed by the two months of my life I spent in meetings and interviews as I pursued a formal investigation against my abusive ex-boyfriend. I allowed the administration to take my phone and review every single text I had sent to my friends, family, and perpetrator over the course of our relationship. I sat in over four hours of interviews describing events that I still have nightmares about. I was as transparent as I possibly could have been throughout the entire investigation. Even still, I find myself here today because I don't believe any of this was an adequate response to the violence I experienced my sophomore year at Hamilton.

I reported seven events of abuse, ranging from stalking, to dating violence, to sexual assault (if we want to water this down with policy, I will specify that I reported both "non consensual sexual contact" and "non consensual sexual penetration"). Hamilton investigated all seven events. They only found him responsible for one incident. One. Out of seven. If this wasn't enough, my perpetrator violated our no-contact order. He only received six disciplinary points for walking through my living room while I was with my friends on a Saturday night. The man who sexually assaulted me, hit me, destroyed my personhood, and terrorized me over a period of nine months walked through my living room. Six points.

We know perpetrators of gender-based violence are likely to be repeat offenders. That being said, my abuser will return to campus in August 2017. In December of 2017, he will receive a Hamilton diploma. You may end up sitting next to him in Commons. You may share a table with him in the library. You could sit next to him in class, or find yourself at the same party as him. Are we really safe if these scenarios are even possible? Is this what fighting discrimination looks like? We are better than this. Hamilton is better than this.

The story I just shared does not match the two sentence description that was meant to recap this nightmare in the recent HSMB report that was emailed out last week. The email was meant to provide an accurate account of the 2015-16 school year. It did not. It was a sloppy misrepresentation of survivors on this campus. Misrepresenting our experiences silences and erases us. This is unacceptable. Hamilton can do better. Hamilton should do better. Hamilton is required to do better.

I think it's important that I share such personal information with everyone because it provides context for the Title IX policy suggestions I am proposing. I



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want to make it very clear that this is not about me. It's not about me at all. I want to use my experience to help in any way I can before I graduate—this issue is much larger than me. It's about starting, and continuing, a campus conversation so we can advocate for survivors. I want to ensure any and every member of this community feels as though they will be represented and protected adequately if they experience sexual violence. The campus activism that has taken place over the past week demonstrates that we are not yet at this point.

Hamilton is obligated to provide a safe and non-discriminatory environment for all members of the campus community. Hamilton receives federal funding, so they are required to protect us and stand up for us when our human rights are violated. They are required to take action to remedy any hostile environment that results from discrimination, including any and all gender-based violence. They can more effectively do this by:

1. Training students to stand as advisors for other students. This will remove the conflict of interest inherent in using faculty advisors and will allow survivors to receive an advisor that is extensively and specifically trained on sexual violence and related policy issues. Students can advocate for students. This kind of program actually exists at other schools. Why not here?

2. The definition for “nonconsensual sexual contact” must include bodily fluids, such as semen.

3. Advertise and openly discuss the possibility of a timely warning notice when a survivor comes forward, especially when the reported violations are especially violent, repetitive, or demonstrate that there is a threat to the safety of any one of us. Hamilton is required to keep us safe. This includes letting us know when we sit next to an identified perpetrator at lunch or share a drink with a known perpetrator at a party.

4. Revise the current presentations that are given during Title IX trainings so it more accurately reflects the sanctions perpetrators receive, such as listing disciplinary points as a possible sanction (which it currently does not). This also means expanding on definitions, so issues like dating violence and domestic violence aren't simply mentioned in passing. In the most recent Peer Advocate training I attended, which was this fall, only one sentence of the presentation addressed domestic and dating violence.

5. One in three college women are assaulted during their four years of college. Only 20% report. This leaves roughly 60-70 Hamilton students reporting over the course of four years. This means roughly 12 will actually pursue a formal investigation. That number is unbelievably small. We must investigate why so many survivors decide not to go through with a full investigation; if we implement necessary solutions, survivors will come forward.



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6. Account for perpetrators who are high risk by assigning a sanction that requires their active participation if they want to remain on campus. I am not suggesting restorative justice. Rather, any sanction should be accompanied by an ongoing conversation between perpetrators and the administration. The conversation should not end when the sanction is given.

7. Make transcript notations more detailed so they specify a perpetrator was found in violation of Title IX policy, not simply a vague conduct violation. This also includes making it more difficult to remove a transcript notation. Allowing perpetrators to clear their transcript after one year is irresponsible.

8. Review a variety of “what if” scenarios when discussing appropriate responses to no-contact order violations to ensure a violation results in an appropriate sanction. As retaliation demonstrates that a potential perpetrator is an ongoing threat to the community, this should most often result in an interim suspension.

9. Ensure Hamilton has the proper resources to fulfill these Title IX requirements at all off-campus programs. This includes the New York and D.C. programs.

10. Guarantee survivors are never asked to alter or limit their schedule to avoid their perpetrator. Instead of pressuring the survivor to solidify plans, make the perpetrator do so (e.g., requesting a perpetrator to agree to a set dining schedule, rather than the survivor). No one should face consequences as a result of victimization. This includes scheduling restrictions.

11. Ensure the annual HSMB report does not include sloppy errors or misinformation. The campus community deserves an accurate report. This is not what we received last week.

I’ve provided a number of examples of how Hamilton can more effectively advocate for survivors. I want to emphasize that I am interested in and willing to work with the administration to address each of the concerns I’ve voiced (for the sake of time I have not included all of the revisions I would like to suggest). I am willing to spend a significant amount of time discussing and implementing these changes. I am a resource to the administration, not an enemy. The only way to make this conversation effective is if we work together. I’m prepared to do exactly that. I want you, Lisa, and the rest of the administration, as well as the Hamilton community, to understand that I want the rest of my time at Hamilton to be spent advocating for these policy changes. I want us to work together to ensure we come up with a just, fair, and extensive Title IX policy. Please let students, both survivors and advocates, be a part of this discussion and policy revision. Anything less than this is a disservice to the entire community.



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Anyone who is interested in continuing this conversation, please email me. I plan to organize a meeting for next week so we can discuss this further.

Thank you Lisa for showing your face.

- **Lillia McEnaney '17:** Other than your long term service to Hamilton, what qualifications do you possess for your position? Do you have any experience working with this outside of Hamilton? Is it acceptable for a person of your position to have other responsibilities on campus, such as Dean of Students?
  - **Lisa Magnarelli:** My experience with Title IX: I was on the Harassment and Sexual Misconduct for four years prior to taking the interim role last year. I attended several Atixa trainings; this is a professional organization designed around certification for Title IX problems. I have undergone all of the training that the Harassment and Sexual Misconduct went through during my first experience. I also go through the trainings that are offered now. We have a presenter coming to talk about trauma based investigations this week. It is absolutely acceptable for the Title IX organizer to have other functions. That is a common practice at many colleges.
    - **Charlotte Bennett '17:** Just because other schools have that system, is it fair to say that this it is a system we should keep?
    - **Lisa Magnarelli:** I think there are many ways that we can structure the system. This is just one model.
- **Ryan Bloom:** As most of us know, students used to be on the Harassment and Sexual Misconduct Board. Why are there no longer students on the Harassment and Sexual Misconduct Board?
  - **Lisa Magnarelli:** The department of education has recommended that no students sit on the board anymore. It is still allowed, but they recommend that students do not serve on the board.
    - **Lillia McEnaney '17:** Is there a reason for that?
    - **Lisa Magnarelli:** It puts those students in a difficult situation. It creates a conflict of interest. It makes it difficult for students to sit in class knowing confidential information about their peers.
- **Andrew Fisher '17:** I had the pleasure of serving as the Student Assembly President before Kureem and Lizzi. I think Lisa has taken a lot of unfair flack. During my year as Student Assembly President, Lisa was the director of Student Activities after which she took up the interim title XI. Charlotte, I want to thank you for sharing your story, but also for recommending changes. When I was President, there was a lot of anger directed towards the administration and me. When students identify specific problems, it makes the administration something to latch onto. I was very impressed during my time with Lisa. I was heartened by the fact that she took over Title XI because this is a growing issue. I really think that Lisa is the best person at Hamilton to address this very complicated issue.





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Based on my experience, Lisa is the best person to work on those proposed recommendations.

- **Aleta Brown:** I'm just wondering, Lisa, how long do you see yourself in this position and how do you plan on moving forward with these issues?
- **Lisa Magnarelli:** I have no plans to leave this position. Hamilton has been my home as an alum, but also as a staff member. Charlotte, I echo Andrew's thank you. I think your specific ideas deserve discussion. We should absolutely look at your list of recommendations. That is what I hoped would come out of this meeting. I have had the pleasure of working with Cori Smith '17. She is a senior and currently the the Title IX Outreach Coordinator. We have revamped a number of the training programs on campus. I know there are some concern that the Student Organization Leader Training was too short and didn't have enough depth. I think that is a fine critique. I would say, also, that we trained 300 people, some who wouldn't have been exposed to this topic at all if not for the training. I think sometimes you have to take incremental steps to achieve your goal. I am absolutely open to making changes. Our goal was to expose more of the campus to a conversation about consent because one sexual assault on this campus is too many. We can talk about policy, but to address the issue we need to talk to the campus and how to prevent sexual assault from happening.
- **Jonathan Kirshenbaum:** Thank you again for coming to speak with us. I understand the legal and ethical complexities of discussing openly the details of such given policy. Within whatever boundaries do exist, could you possibly summarize or outline the steps taken from the submission of a complaint to how the Harassment and Sexual Misconduct Board conducts its investigation? I think this would provide clarity for everyone.
  - **Lisa Magnarelli:** We actually have an outline of this on the Harassment and Sexual Misconduct Board on the website as well because our policy is complex. The website is 21 pages long. This is a lot of information to digest if you are considering a complaint. If a person wants to pursue a formal investigation, they will let me know. They will go through a series of meetings and interviews. At that point, we will assign an investigation team, which often consists of an external investigator and two members of the Harassment and Sexual Misconduct Board, who are trained specifically for this. They do a thorough investigation. They interview any witnesses and use security footage. That investigation team then constructs a report that is given to the Review Panel. The panel reviews the investigation material. If they see a need to re-interview, they will. Each party has an opportunity to have access to all of the investigation material on both sides. The Harassment and Sexual Misconduct Board will then make a series of sanctions that are then sent to Dean of Students who



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ultimately recommends a final decision. Obviously, this explanation is distilled down. I want to emphasize that there is not a traditional hearing system. At no point is a complainant sitting in a room asking or answering questions of the respondent. There are many reasons for that. I think our process is more thorough and takes more time.

- **Grant Whitney '17:** You said that students no longer serve on the Board as a conflict of interest. But at the same time, you are the Title IX Coordinator, which deals with issues of sexual assault that can easily scar the reputation of a school. Do you think that is a conflict of interest?
  - **Lisa Magnarelli:** I think mishandling a complaint will equally scar the school. I'd say the stakes are just as high to do the right thing.
  - **Jake McDougall '17:** What are the benefits of having a Title IX Director in the school? Do you feel that two people would be better able to handle that workload?
    - **Lisa Magnarelli:** It's not really up to me. I think it is a valid question. I can't change my own position, but we should look into it. The Dean of Students and College President should ultimately make that decision. I can certainly see why that would be beneficial; that is just not how my job is constructed.
- **Hannah Fink '19:** Thank you so much for coming. I appreciate you being here. How do I speak out about someone who is found guilty without being accused of retaliation? How do I protect someone from being a victim without getting points? If you know that someone has assaulted another and has been found guilty, you legally can't warn anyone else. I'm speaking from a place of fear for myself and my friends; how would we fix this?
  - **Charlotte Bennett '17:** You are actually able to name someone who was found responsible. If they were not found guilty and still spoke out, then it would be considered retaliation.
  - **Hannah Fink '19:** Ok. So then, how do we protect people from being harmed by known perpetrators?
    - **Tina Hall:** To clarify, you're asking about our retaliation policy in regards to restricting the complainant?
    - **Hannah Fink '19:** You said there are so many different acts that fall under Sexual Misconduct. I want to know what happens to the people who don't go through the full reporting process. What happens to the respondent that remains on campus?
  - **Lisa Magnarelli:** My best suggestion would be to hopefully have more complaints and reports filed through the formal investigation process because then we would hopefully be able to identify and hold accountable the people committing Sexual Misconduct. When you are talking about informal reports that go through confidential channels, I don't know how to best advise you since we cannot make those names public. You are right



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that students need to be careful about how much information they share and where. I think talking to confidential resources of any kind provides a community with an environment where you can speak freely and openly and get counsel. However, since these situations do not result in a formal complaint, the college is unable to adequately handle these situations.

- **Hannah Fink '19:** My question is, how can we expect more people to come forward when we do not know the specific instances of sexual assault that occurred? When students are in the position where they don't feel safe, how can you expect them to come forward when they see that the result from this long process is only one to two points?
- **Lisa Magnarelli:** I'd just say there is a lot of information that I cannot share. I think there is a lot of information about that judicial sanction as well. If two points seems inappropriate, than maybe 2 points is not the right sanction. The idea behind instituting judicial points is that this process quantifies a warning. In order to quantify that, a warning is anything from 1-6 points. However, maybe we shouldn't be using disciplinary points. Maybe we should give a warning or figure out another option. We'd like to find the right answer.
- **Charlotte Bennett '17:** I just want to clarify, the school is allowed to name someone who is found responsible for a violation. No one is ever named because there is a lot of risk that the school takes on. If someone is found responsible for a violation, they can come back to campus. It is a requirement of the government that the school reassess the situation after someone shows up on a report more than once. The school did not go through with this reassessment and that is why the college is still under investigation.
- **Barbara (Barby) Perego '17:** This stems back to how "nonconsensual penetrative sex" equals expulsion. I think that there is large issue when we lead with heteronormative language. I think awarding points or giving out points that are imaginary disciplinary points trivializes the rape culture on campus. I think these should not be based on the same hierarchy. That is definitely a discussion we could have later on in the week. 2 points for a sexual assault incident is like a slap on the wrist.
  - **Lisa Magnarelli:** You make an excellent point. I'm referring to it this way because it is the way that it is stated on our website. However, the college website is undergoing a huge transformation. We actually did adopt a new policy that takes away all of the gendered language. It is actually non-gendered "nonconsensual sexual act" that is defined as "nonconsensual penetrative sex". Could I ask this rhetorical question?



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Could it be possible that there are violations that only deserve “a slap on the wrist” or a warning?

- **Barbara (Barby) Perego '17:** Personally, I feel that if the person who has been sexually assaulted feels affected enough to pursue a formal complaint and go through the extensive process of investigation where you have to get witnesses and proof, only to receive an end result of one or two disciplinary points is not enough. Especially if the perpetrator might do it again. Basing sexual assault on a hierarchy in itself leads to other systemic issues. If we catch and address these acts at a stage where we can correct and recommend people get help, this could prevent other acts of sexual assault.
- **Andrew Fischer:** It's my understanding that sexual assault might be defined by an isolated sexist comment. Is that correct? I understand that's not what we want. I think we could equate something like that with something like theft on this campus. We are talking about something we don't know full details to and can only talk about it within certain limits.
- **Ilana Schwartz:** To begin, thank you, Lisa, for coming. My first comment regards this issue of hierarchy in terms of policy. There are obviously sensitivities or details we cannot have. I think there should be more specifics in our policy about what the different types of non-consensual sexual contact there are. It is not that there is not transparency because there can't be, but that our policy needs to have better language. Also, responding to the issue of having a Title IX coordinator that is also responsible for another job, last week we discussed the Title IX training that you did for organization leaders. I suggested that you send out a survey to the campus to collect feedback, and Lizzi mentioned the issue of time. I know that you don't have the ability to say that there should be a separate Title IX Coordinator and Dean of Students because it is your position, but you are a part of the administration. You have a say in the fact that maybe there is a need for a single Title IX Coordinator. I think that it is your responsibility to bring attention to this need on campus to the administration.
  - **Lisa Magnarelli:** I'm not in any way suggesting that there should not be a separate Title IX Coordinator. I absolutely want to collect feedback. I think it is important that we differentiate between Title IX Coordinator responsibilities and advocacy issues. My job is not to be an advocate for complainants. My job is not to be an advocate for respondents. That is stated in our policy and regulated. The job of the Title IX Coordinator is to make sure that we have a fair process for both parties. I understand that there are complainants that have been through the process that have strong feelings. We are dealing with a very difficult and challenging subject and very painful and traumatic situations. I, as part of my job, have to refer



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people elsewhere for resources because that is not part of my job description, nor do I ever think it will ever be the job of the Title IX. I don't know why there isn't a student advocate group, probably because there hasn't been a large group willing to get training.

- **Ilana Schwartz:** Just to clarify my point, I wasn't saying anything about advocacy, that it is pretty clear that our policy isn't up to what it should be. Also, things like training and informing the campus are not about advocacy, but the structure of the policy.
- **Florence (Flo) Turiaf '17:** My biggest issue is the message the community gets from reading such a report. The first thing I thought when I saw the email was even if we do get the Student Body educated, the overall message of our policy and the way it gets implemented says that it is okay to assault someone in our community. It says, if you harass someone, you'll get points, you might get a warning, or a semester off. I would urge the administration to think about the message we are sending to people on this campus. We can do as much education as we want, if people think that it is still okay; the message is still that "it's alright." As a community, we need to say that this is not okay, no matter the hierarchy between .
  - **Andrew Fischer '17:** Are we saying that the punishment should be the same for all these offenses?
  - **Hannah Fink '19:** One, it shouldn't be the point system. This is completely ineffectual. Two, there is no way to label these offenses number, but at the same time as someone said "it matters what happens, but the overarching theme here is that if someone wants to pursue it, then there should be significant reprimands here."
  - **Katherine Barnes '20:** I have an issue with some of the language used in general on this campus about Sexual Assault and Rape. I know the policy online is going to change, but my concern is that I do not understand why I'm being told how to act, rather than the perpetrator. The perpetrator is not being told not to violate me, as an object. How do we change the language used as a community and in our policies to ensure that our community is supportive?
  - **Allie Zildjian '19:** Could there be or is there a separate system for points given for instances of sexual assault or harassment? With the two points awarded, the student's parents and coaches aren't informed and they can still go abroad.
    - **Lisa Magnarelli:** The board reviewed those cases and determined that a warning in the form of 2 points was the appropriate sanction. I absolutely hear what you are saying about how quantifying the sanction with points being trivializing. I hear this. I just can't share any more. Please know that those decisions were not made in a vacuum.



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- **Tina Hall:** The board spent many hours talking about those explicit cases. We did discuss the message that would be sent to the college. We took into account many things that as Lisa says that we cannot share. For confidentiality reasons, we cannot divulge any info..
- **Jake McDougall '17:** I think there is a huge difference between someone catcalling and physically assaulting people. Those are distinctions we can make under the points system.
  - **Andrew Fischer '17:** It seems to me we are saying that the outcome should be dependent on the emotional sentiment. I don't want to trivialize anyone's experiences but I also want an unbiased decision.
- **Charlotte Bennett '17:** How can you say that something is an appropriate sanction when it's so confidential that we don't know what it is punishing?
  - **Lisa Magnarelli:** I would say it's trust. I'm trying to forge relationships. I'm trying to get in front of students. I'm trying to build that trust. I can't provide you with the information you want about those complaints. I cannot. You legally cannot see what the board saw.
- **Emily Aviles '19:** Earlier there was a general comment about how we phrase policies regarding different instances, catcalling, verbal harassment, to nonconsensual sex. We shouldn't look at this as a hierarchy but as a spectrum. We've looked at sexuality or other experiences as this. It has been my experience that harassment and intimidation can be only verbal. I know, as a woman on this campus, if I hear a phrase or have a feeling due to body language, there are feelings of danger added here, that we are all dedicated to trying to combat for all of us. I understand why legally why we cannot name people. There is this issue that if you don't report then you can't get protection. This has been my experience dealing with survivors. I know there are procedures working with the counseling center or with Lisa, but could we make a space or an anonymous means for survivors to explain why they did not report? I think we need to also be careful about the type of language we use when we talk about reporting. I know that for survivors, there's always that rhetoric of "at least it wasn't rape." We as a people who are trying to advocate need to work to make an environment that does not encourage minimization. I know we all look at Lisa and it's easy to say, "you're the person who is responsible for Title IX." It's very brave of you to come here and talk as a representative of the larger group who handles these issues. Everyone in this room is trying to make sure that other people's rights are not being violated. You hear "zero tolerance for bullying." Sexual misconduct, harassment, etc. is way beyond that and we should be using that same language. I don't think people should get warnings or slaps on the wrists. Even if we don't phrase it that way, we should not imply that sort of rhetoric in our policies. We



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should do better and not attack each other. I know everyone is going to go home to their individual lives and we have to remember that about each other.

- **AlMahdi Mahil '20:** What is the burden of proof? Is it beyond a reasonable doubt? Can we further narrow the definition of sexual assault? I once saw that a lawyer at Harvard that showed a picture of a candy wrapper and a car. If you steal the piece of candy, it's petty theft, but if you steal the car it's Grand Theft Auto. I use this example because the language is highly distinctive; however, the terms "sexual assault" and "sexual harassment" are very broadly defined. When I open a Harassment and Sexual Misconduct report, I see that a person got 2 points, either the victim's truthfulness or the college's handling of the situation comes into question.

- **Lisa Magnarelli:** The preponderance of evidence is our standard. This means that we base on judgement on "more likely than not" or "50% plus a feather" is how the board makes its decision. It is the general standard for all types of civil cases and is what we use for all cases on campus. This is decided by the board that the complainant goes to. For our definition of Sexual Assault, we have to acknowledge that there is no universal definition for sexual assault. Under our policy, it includes all the violations that are not sexual harassment. Sexual harassment and Sexual Assault are both considered sexual misconduct, but assault is generally thought to be some sort of physicality, whether it's a touch, a contact, or a penetration. In your example, when you say, "either the victim's truthfulness comes into question, or it is a failure of the college," I disagree. What if it was on the end of the spectrum where it was perhaps verbal harassment or a touch?

- **AlMahdi Mahil'20:** I agree with what Charlotte and Flo said, I think the policy sounds like restrictive solutions rather than preventive solutions. What are we doing to prevent it other than to warn potential victims?

- **Lisa Magnarelli:** I want to note that I alone cannot fix this problem. We need to acknowledge that the college cannot fix the sexual assault problem on campus. It needs to be a community wide effort. I am 100% committed to working with you. That is not going to end sexual assault on campus. I can sponsor as many educational programs as there are days of the week. That might not solve it either. But this is my part. We focus mostly on first years, athletes, and Student Organizations.

- **Aleta Brown:** I wanted to thank you, Lisa, I know this is not an easy thing to come here and face all these questions, but I appreciate you being here. I think the only way we can fix the issues that plague our campus such as this is through open and honest conversations. I have been through this process. I have sat through the countless meetings. It is one of the hardest things I've ever done in my life. After this process, I went abroad for a year and a half. This isn't just an



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issue, it's an epidemic. If this many students got hit by a car on the crosswalk, what would the administration's reaction be? So we are following federal regulations; I would like to think that Hamilton is better than that. By following the federal regulations, we are following guidelines that are systemically stacked against marginalized groups, against survivors and victims of sexual violence. I realize that Hamilton is your home. It's our home too. We love this place. You've said you have been here for 15 years, I know that you know this is an issue. We all realize this is not going to be an easy thing to change. When you accepted this position what plans did you have to change what was wrong? We have had conversations like this before. Anyone going into this position is someone that must say, "This is something that has really rocked Hamilton's campus. I'm in a specific role of authority; I can help level the playing field, I can make a change." I appreciate you being there for both sides, but I don't think it is *a* level playing field, I really don't. I believe that we need improvement. I want to help with that improvement. I need to know what you will take from this meeting? We need to start actually implementing change. I know this is not just one person's job, but I think that the person who is the figurehead, so to speak, should be the one to spearhead this. I accept the role and responsibility to help change this community but we need to hear what is going to happen. We want to be able to help, but where do we start?

- **Lisa Magnarelli:** Whether we do it in another small group or here, I need to hear more from the student body and take time to understand. I'd love to see Charlotte's list. We will absolutely look to see what we can implement and collaborate on. I can't make a promise that we will do everything that is on Charlotte's list. I think there were also great suggestions about whether disciplinary points are the best option for how we handle these issues. We had already been considering the suggestions given about trainings for organization leaders and students. I will also look into and reassess how we communicate our annual report with the campus, the language we use, and how we contextualize the information so people understand what will be represented. I would like input from students. I need to distill everything that I've heard here today. I want to sit down with our policy and see what is possible. I also want to acknowledge that I can't help but feel a little defensive. My job is to maintain the policy and ensure the process is fair. You're saying the campus needs change. I'd like to know how changing policy is going to change the culture on campus that is contributing to an atmosphere where sexual violence, harassment, etc. is accepted. I do not think that changing the policy is necessarily changing the issue. I am not here on campus all the time. There is a whole life for students that happens beyond business hours. I think that students have to have a conversation about what is acceptable and permitted in the culture that exists outside of the administrators being here.





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- **Caroline Kriedberg:** As far as policy goes, I think that nonconsensual sexual contact does need to be taken a lot more seriously. I think the penetrative sexual contact is being redefined as sexual act, “any penetration into a sexual orifice” is really just defining it the same way in different terms. I think that all types of sexual assault needs to be taken just as seriously as penetration. Reading the HMBD email makes it seems like the sanctions are subjectively applied. It would be helpful to have a system where we knew what act gets which punishment. If we had that, we could talk about what needs to be changed. Right now, I see “non-consensual sexual contact” which could mean so many things. Acts that receive punishments need to have more clarity.
- **Harry Dubke:** I have a question for Charlotte and everyone else here. Besides being in a place to bring this issue to campus, what can Student Assembly do to continue this conversation and implement change?
  - **Charlotte Bennett '17:** The first thing I want to do is to have weekly conversations about this. It's clear to me that everyone in this room really cares, but it helps if we can inform each other. Current conversations are not having an impact because they are not regular enough. Another point that is very important that I'd like to address soon is students are allowed to sit as advisors. Finally, Student Assembly can be helpful in advertising that anyone that is interested in having this conversation should be participating and being active.
- **Kureem Nugent:** I just want to thank all the students, Lisa, and Tina who took time to come to this meeting. This was a well needed conversation and I'm hoping that this conversation continues. Please bring this up to Student Assembly, but also to your own groups on campus and let the conversation continue.

**3. Committee Reports**

- **Constitution:**
  - Last Thursday, Jon Stanhope '18 met with Jack Martin '19 to look at a few things Jack was concerned with in the constitution. Among the issues discussed were the procedures for extending meeting lengths and for passing resolutions. Over the next few weeks this committee will take a look at the sections of the constitution to determine if updates need to be implemented.
- **Cultural Affairs:**
  - First Student Diversity Council meeting that Cultural Affairs attended went well. Committee members will begin attending organization meetings after break.
  - Hillel: October 11th: Yom Kippur
- **DMC:**
  - October 17th-19th- Fred Kuwornu Film Screenings



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- The DMC has collaborated with the Africana Studies Department and the Italian Studies Department to bring Fred Kuwornu to campus. Fred is an Italian-Ghanaian filmmaker, writer, and social activist. There will be a screening of three of his recent films with a Q&A to follow each screening. All are taking place Monday, October 17th- Wednesday, October 19th (one each night) at 7:30pm in the Kennedy Auditorium.
- **Facilities:**
  - Further advertise TracManager to increase usage.
    - Send out survey to collect data on number of existing users of TracManager.
  - Continue conversation with physical plant regarding logistics of WaterMonster purchase, usage, and maintenance.
- **Food:**
  - We reviewed our discussion with Bon Appetit last week. They should implement rice and beans in commons (a vegan/gluten free dish) over the weekend.
  - Next meeting with Bon Appetit we will discuss the option of changing the pasta over to pasta made without eggs so it's vegan.
- **Health and Safety:**
  - Working on bimonthly meetings with health center
  - Updates on transformer situation
  - Landline backups for emergencies
- **LITS:**
  - Library: Posters going up for cyber awareness month
    - October 21st - GreyCastle Activity Day at SCCT Atrium from 10am-2pm
      - Games involving cyber awareness
      - Come and win Opus gift cards and/or Hamilton swag!
  - Hamilton App: Survey was sent out to get feedback on app
  - New movies on the movie channel!
- **Philanthropy:**
  - Candygrams are a success! We will continue to sell them this week and they will be delivered on Halloween. Proceeds go to the ABC house.
  - Finalizing dates for 2nd Annual Thanksgiving dinner with ABC House: likely first week of November.
  - Planning service event with Joseph's Experience.
- **Publicity:**
  - Student Assembly board in the Diner is done!
- **Social Traditions:**



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- Our fall events were a success! We are looking forward to planning events this spring so if anyone has ideas or suggestions, email us at esherril or mhorne.
- **Student Affairs:**
  - Individual office hours to be assigned for the following week
  - Request sent to LITS for Student Affairs email.

**4. Announcements**

- Thank you to all the students that attended our meeting tonight. We value your opinions and want to hear what you have to say. Please feel free to reach out to any of your Student Assembly Representatives if you have any problems or issues that you would like the Central Council to address.
- Thank you to Lisa Magnarelli and Tina Hall for attending tonight's meeting and listening to student concerns.
- Have a wonderful Fall Break!

