

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

JOHN DOE,  
Plaintiff,

v.

AMHERST COLLEGE, CAROLYN MARTIN,  
JAMES LARIMORE, TORIN MOORE, SUSIE  
MITTON SHANNON, and LAURIE FRANKL,  
Defendants.

C.A. No. 3:15-cv-30097-MAP

**AFFIDAVIT OF ERIC HAMAKO**

I, Eric Hamako, declare the following:

1. I am a faculty member at Shoreline Community College (“SCC”). The college is located in Shoreline, Washington, where I currently reside. I began my current position at SCC in the fall of 2014.

2. I used to work at Smith College (“Smith”), both as an adjunct professor in its School for Social Work and the program coordinator for its Office of Institutional Diversity and Equity.

3. As the program coordinator at Smith, I had experience investigating and resolving sexual harassment and sexual misconduct allegations. I also received training from my supervisor and third-party training providers on those subjects.

4. I received training from Amherst College (“Amherst”) in 2013 to serve as a panelist on its Sexual Misconduct Hearing Board (the “Hearing Board”). This training covered the evaluation of sexual misconduct allegations and also Amherst’s policies and procedures for resolving such allegations.

5. After attending Amherst's training, I was asked to sit on a Hearing Board panel that adjudicated a sexual misconduct allegation brought against the student whom I understand is the plaintiff in this lawsuit, who is referred to as "John Doe."

6. Before attending the hearing on the allegation against Mr. Doe (which occurred on December 12, 2013), I received and reviewed a copy of an investigative report prepared by Attorney Allyson Kurker concerning the allegation against Mr. Doe. The report included summaries of interviews and had exhibits appended to it, which I also reviewed before the hearing.

7. At the hearing, Attorney Kurker and several Amherst students testified, including Mr. Doe and the student who filed the complaint against him. I heard and considered their testimony. I also posed questions to witnesses who testified.

8. At the hearing's conclusion, the Hearing Board deliberated in private and reached a determination on responsibility, finding that Mr. Doe had violated Amherst's policy against sexual assault, and then on sanctions, both by majority vote.

9. After the Hearing Board concluding its deliberations, I had no other involvement in any proceedings involving Mr. Doe.

10. Just over two years later, I received an email on December 23, 2015 from Attorney Megan Deluhery, who informed me that she is representing Mr. Doe in a lawsuit against Amherst and its administrators. Ms. Deluhery also provided me a copy of the Complaint that she had filed on behalf of Mr. Doe. Exhibit 1 is a true and accurate copy of email correspondence between me and Ms. Deluhery.

11. In her email correspondence, Ms. Deluhery references evidence that was not made available to the Hearing Board. Based on my review of the Complaint, I presume that Ms.

Deluhery is referring to certain text messages that are described in the Complaint (Ms. Deluhery did not provide me the exhibits to the Complaint). The text messages described in the Complaint were not presented to the Hearing Board.

12. The Complaint provided by Ms. Deluhery states that it appended a transcript of the disciplinary hearing involving Mr. Doe. As to what occurred and what was said at the disciplinary hearing that occurred over two years ago, a transcript will be more accurate than my limited memory.

13. On or about January 20, 2016, I received a subpoena seeking to take my deposition in Seattle, Washington on February 29, 2016 and directing the production of “[a]ll documents, notes, memoranda, and communications concerning the Amherst College disciplinary hearing involving John Doe and Sandra Jones which was held on December 12, 2013.” I later received an email from Mr. Doe’s attorney stating that the February 29th deposition would not go forward, and that other dates were being considered.

I declare under the penalties of perjury on this 8<sup>th</sup> day of March 2016 that the foregoing is correct and true.

  
Eric Hamako

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on March \_\_, 2016.

/s/ Tobias W. Crawford

Tobias W. Crawford

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on March 10, 2016.

/s/ Tobias W. Crawford  
Tobias W. Crawford