



**Northern Vermont**  
**UNIVERSITY**

## **JOHNSON CAMPUS**

### **Public Safety**

# **Annual Security and Fire Report**

## **2019-2020**

*Includes crime statistics for the 2016, 2017 and 2018 calendar years*

*Fire statistics for the 2016, 2017 and 2018 calendar years*

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## Public Safety Mission Statement

The mission of Public Safety is to provide a safe and secure environment in which to live, learn and work through professional service to the campus community.

## About This Report

The NVU-Johnson Public Safety Office prepares this report for compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”). This report can be found on the NVU-Johnson website at:

<https://www.northernvermont.edu/sites/default/files/nvu-j-psar-2019-final.pdf>

Crime statistics for this report are compiled on a calendar-year basis in accordance with the definitions of crimes provided by the FBI for use in the Uniform Crime Reporting (UCR) system. The report includes statistics for Clery Act crimes that occurred within NVU-Johnson’s Clery Act geography in the previous 3 calendar years. These statistics are gathered from reported crimes to the Public Safety Office, as well as crimes reported to other campus officials with significant responsibility for student and campus activities (known as Campus Security Authorities or CSAs). The statistical crime categories reported are Murder and Non-Negligent Manslaughter, Manslaughter by Negligence, Rape, Fondling, Incest, Statutory Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Liquor Law Violations, Drug Abuse Violations, and Weapons Possession. Reports of Dating Violence, Domestic Violence and Stalking are also included. Additionally, any of the above-listed crimes, plus Larceny-Theft, Simple Assault, Intimidation, Destruction/Damage/Vandalism of Property, are reported as hate crimes if the victim was intentionally selected because of the perpetrator’s bias against the victim. NVU-Johnson’s Clery Act geography includes the campus, as well as certain off-campus buildings or property owned or controlled by NVU-Johnson as well as public property within or immediately adjacent to and accessible from the campus. Relevant crime data is collected or requested from the local Police Department.

The Annual Security report is prepared by the Director of Public Safety with the assistance of the Office of the Dean of Students.

Each year Campus Crime statistics are published annually on the Public Safety section of the NVU-Johnson website and paper copies are available upon request. An email is sent to students, faculty and staff providing a link to the Annual Security Report. Prospective students and employees may receive a copy of this report by calling Public Safety at (802) 635-1205 or 5-1205 from an on campus extension.

## About the Public Safety Department

The Public Safety Department reports to the Dean of Students and works closely with the Residence Life office. The Office of Public Safety is located in Dewey Hall. The Department is staffed 24 hours a day, 7 days a week throughout the calendar year. The Public Safety Department is comprised of the Director of Public Safety, full-time and part-time officers. Officers conduct day and nighttime foot and vehicle patrols. Typically, officers check the parking lots, building entrances, residence halls, roadways, walkways and the lighting. Officers are responsible for the security of all campus buildings, including the four residence halls on campus. The officers are knowledgeable about campus policies and regulations including: parking, alcohol/drug, smoking, pets, pedestrian safety, building access, and snow removal. Officers are trained in first aid and CPR.

## Enforcement Authority of Public Safety Officers

Campus Safety personnel are not authorized to make arrests nor are they authorized to use firearms for restraint or control. NVU-Johnson Public Safety officers are authorized to ask persons for identification and to determine whether individuals have a legitimate reason to be on University property. NVU-Johnson Public Safety officers have the authority to issue parking tickets, which can be billed to students, faculty and staff. The authority to make arrests on campus and to respond to security or criminal actions off campus rests with the Lamoille County Sheriff's Department and the Vermont State Police.

The University has a good working relationship with the Lamoille County Sheriff's office. Typically, Public Safety will reach out to the Sheriff's Office if a serious criminal incident occurs on campus, consistent with NVU-Johnson's policies and procedures.

Students and employees are encouraged to report, accurately and promptly, all suspected crimes to Public Safety and other appropriate personnel. Prompt reporting will assist Public Safety in determining whether a timely warning needs to be issued and facilitate the prompt investigation of reported incidents.

Campus Public Safety Officers are authorized to investigate reports of violations of the Code of Conduct. The Code of Conduct and disciplinary procedures are contained in the *Student Handbook of Rights & Responsibilities*. The Handbook also contains copies of the Sexual Harassment Policy, the Sexual Assault Policy, and the Alcohol and Drug Policy. NVU-Johnson Public Safety officers do not provide services to off campus residences, nor do they regularly patrol off campus areas. The *Student Handbook* can be found at:

<https://www.northernvermont.edu/NVU-Johnson-student-handbook>

## Off-campus Disturbances

As members of NVU-Johnson and members of our neighborhood community, students who reside off-campus are expected to show respect and be courteous to members of the local community and demonstrate responsible citizenship in the local neighborhood. Students who violate these expectations and/or whose behavior jeopardizes NVU-Johnson's positive relationship with the local community may be subject to University discipline.

NVU-Johnson does not have any off-campus student organizations monitored by the Lamoille County Sheriff's Department.

## Reporting Criminal Actions or Emergencies

Call 9-1-1 immediately if a crime or other emergency is in progress, or if there is an imminent or continued threat of harm to persons or property.

To report all other incidents, Public Safety can be reached 24 hours a day throughout the calendar year by dialing 5-1205 from an on campus phone and 635-1205 from a non-campus phone. Phone calls will be answered by the dispatcher, who will take your call and relay the information to the on duty officer, or your call will be automatically forwarded to the on duty officer. All residence halls have phones directly outside of the building that can dial on campus extensions or call Public Safety directly by pressing the red buttons. In addition, there are emergency phones located at: the Visual

Arts Center, Dewey Hall, McClelland Hall, the Willey Library and Learning Center (WLLC), along the walkway between Martinetti and McClelland, and on the walk way between the University apartments and Bentley parking lot.

Incident reports can be submitted using NVU-Johnson's online incident report form found at:

<https://www.northernvermont.edu/services/campus-safety/johnson-public-safety> (click on NVU-Johnson Incident Report Form)

In addition, crimes may be reported to the following:

- A. Dean of Students  
802-635-1200, Dewey Hall  
802-626-6418
- B. Associate Dean of Students  
802-635-1200 Dewey Hall
- C. Director, Counseling  
802-635-1265 Senators Hall
- D. Director of Residence Life  
802-635-1200 Dewey Hall

**Remember: For emergencies dial 911 to reach the Lamoille County Sheriff's Department.**

Public Safety assists Lamoille County Sheriff's Department, the local law enforcement agency, with investigations of crimes occurring on campus. NVU-Johnson does not have a formal Memorandum of Understanding with the Lamoille County Sheriff's office at this time. However, NVU-Johnson, as one of the member institutions of the Vermont State Colleges, has a memorandum of understanding with Vermont's Board of Special Investigation Units (collectively "VTSIU"), which permits NVU-Johnson and the VTSIU to exchange information and coordinate on investigations into allegations involving sexual assault and other sex-based crimes where the alleged victim is affiliated with NVU-Johnson at the time of incident and consents to the sharing of information.

If you are a victim of a crime and do not want to pursue action through the Public Safety office or the criminal justice system, you may still want to consider making a confidential report. With your permission, the Director of Public Safety, or a designee, can file a report on the details of the incident without revealing your identity. The purpose of this confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, NVU-Johnson can keep an accurate record of the number of incidents involving students, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics. Please note, that where circumstances warrant, NVU-Johnson may report and/or investigate an alleged violation even if you choose not to pursue official action. You are not obligated to cooperate in this process.

NVU-Johnson will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the results of any disciplinary proceeding conducted by NVU-Johnson against a student who is an alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, NVU-Johnson will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

NVU-Johnson does not have any officially recognized off-campus student organizations or housing

## Campus Security Authority (CSA) reporting procedure

NVU-Johnson encourages all campus community members to contact Public Safety to report any criminal actions. However, under the Clery Act, certain individuals designated as Campus Security Authorities (CSAs) are required to promptly report statistical information about Clery qualifying crimes that occur within NVU-Johnson's Clery Act geography to Public Safety for inclusion in this Report.

It is the responsibility of the Dean of Students, the Title IX coordinator, the Policy 311 Coordinator, and the Director of Public Safety to identify who, as a result of their job duties at the University, constitutes a CSA, and fall into one of the following categories:

- A member of the Public Safety Department,
- An individual who has responsibility for campus security but does not constitute a member of Public Safety (for example monitoring the entrance to a building or specific area);
- An official of the institution who has significant responsibility for student campus activities, including but not limited to, student housing, student discipline and campus judicial/administrative proceedings, coaches and coaching staff, advisors to recognized student clubs, Counseling Director (including part-time employees and Graduate Assistants), and
- Any additional individuals that meet the definition of a "Responsible University Administrator" or "RCA"

CSA Procedures:

**Step 1.** Call 911 immediately if there is a crime or other emergency in progress or if at any time there is an imminent threat to the campus community.

**Step 2.** CSA's should ask the victim or third party if they are in contact with or wish to file a report with Public Safety. If yes, contact Public Safety at 802-635-1205 or 5-1205 from an on campus extension. If No, the University will typically respect the decision of the victim not to report an incident to Public Safety or to Law Enforcement. There may be circumstances, however, where the University contacts Law Enforcement after making a determination that doing so is in the best interest of safety and security for the victim and/or the broader community. Even if a victim or third party does not wish to report an incident to Public Safety or Law Enforcement, the CSA must still complete a report of the crime.

**Step 3.** The CSA must promptly file a Campus Security Authority Report using the form found here:

<https://NorthernVermont.edu/CSAReporting>

This report should be completed regardless of whether the victim chooses to file a report with Public Safety or with local law enforcement. No personally-identifiable information about the victim should be included in the CSA report form unless the victim gives permission to do so. CSAs are not responsible for determining if a crime took place. The report should be made based solely on the information provided to the CSA, including the date and time of the incident, location, names of perpetrators and witnesses, as well as a description of the incident.

### Professional Counselors

Campus "Professional Counselors" are those employees whose official responsibilities include providing psychological counseling to members of the NVU-Johnson community and who are functioning within the scope of his or her license or certification. Such individuals are not considered to be a campus security authority when acting in this capacity and are not required to report crimes directly to Public Safety or the local law enforcement. However, as a matter of policy, counselors are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary, confidential basis for inclusion in the annual crime statistics. See Policy 311-A, discussed

below, for the reporting requirements for NVU-Johnson’s counselors and health services professionals with respect to alleged violations of Policy 311-A’s prohibition on sexual misconduct, dating violence, domestic violence, sexual assault and stalking.

## **Emergency Response and Evacuation Procedures**

NVU-Johnson has developed an Emergency Operations Plan that includes information about NVU-Johnson’s operating procedures, incident priorities and performance expectations; shelter-in-place and evacuation guidelines; and local contingency and continuity planning requirements. Individual departments are responsible for developing contingency plans and continuity of operations plans for their staff and areas of responsibility. The University Crisis Response team, comprised of campus administrators, is responsible for developing, maintaining and testing the plan on an annual basis. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution. Prior to a drill or test, NVU-Johnson will publicize emergency response and evacuation procedures in conjunction with the drill or test. NVU-Johnson will document for each test a description of the exercise, the date, time, and whether it was announced or unannounced. NVU-Johnson is one of the members of the Local Emergency Planning Commission for Lamoille County and works with local responders such as Ambulance, Fire and Police agencies in the County.

The Public Safety Officers and members of the University Crisis Response Team have received training in Incident command and how to respond to critical incidents on campus. When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually the Public Safety Department, the Lamoille County Sheriff’s Department, and the Johnson Fire Department and they typically respond and work together to manage the incident. Depending on the nature of the incident, other NVU-Johnson Departments and other Town agencies or federal agencies may also respond to the incident.

NVU-Johnson has created an Emergency Response Procedure guidebook that covers a number of emergencies. Please visit this link to review this material:

<https://portal.vsc.edu/sites/JSC/CollegeServices/PublicSafety/EmergencyProcedures/Documents/NVU%20Johnson%20Emergency%20Response%20Guide%20September%202018.pdf>

## **Notification to the NVU-Johnson Community about an Immediate Threat**

From time to time, the Department of Public Safety at NVU-Johnson receives word of potential emergency situations or dangerous conditions from various offices/departments or from off campus sources. If it is confirmed that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of NVU-Johnson’s community, a campus wide warning will be issued. Public Safety will coordinate with appropriate offices to determine the content of the message and will use some or all of the systems described below to communicate the threat to the community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. NVU-Johnson will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: Public Safety, local Law enforcement agencies, local fire and emergency medical services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

In the event of a serious incident which poses an immediate threat, as determined by Public Safety or a local law enforcement agency, to members of the community, NVU-Johnson has various systems in place for communicating information quickly to those individuals. Some or all of these methods of communication may be activated in the event of an immediate threat to the campus community. These methods of communication include:

- Email notification to individual NVU-Johnson email addresses of record
- Telephone voicemail messages to telephone number(s) of record
- Cell phone text messages to Campus Alert subscribers\*
- Audible instructions/announcements utilizing the campus Public Address System
- Online announcements on the NVU-Johnson web portal (<https://portal.vsc.edu/nvuhome>).
- Online announcements on the public NVU-Johnson website (<https://www.northernvermont.edu/>).

Notifications are typically issued by the Director of Public Safety, the Security Officer on duty, Director of Communications, the Dean of Students, the Director of Residence life or by a member of the University's Crisis Response Team.

### How to sign up for campus alerts

\*The NVU-Johnson Campus Alert system is available free of charge to NVU-Johnson students, staff and faculty. To sign in to this service to update your contact information visit: [www.NorthernVermont.edu/GetRave](http://www.NorthernVermont.edu/GetRave). If you need assistance or are not sure if you are set up to receive alerts, please contact Public Safety at 802-635-1205 or 5-1205.

### Emergency Evacuation Procedures

Information about evacuation procedures are set forth in the *Student Handbook* (found here: <https://www.northernvermont.edu/academics/resources/student-handbook>) and evacuation plans are posted on all residential room doors. Additionally, information about emergency evacuation procedures is shared during fire drills that take place throughout the year. Members of the Residence Life Staff are trained in these procedures and serve as an ongoing resource for students living in residential facilities.

The University Crisis Response Team periodically conducts table top exercises and conducts follow-through activities, designed for assessment and evaluation of emergency operation plans and capabilities. The Public Safety Department also coordinates fire drills each semester to test the emergency response and evacuation procedures. These help the University to assess and evaluate the emergency evacuation plans and capabilities. NVU-Johnson will publish a summary of its emergency response and evacuation procedures in conjunction with at least one drill or exercise each calendar year.

### Timely Warnings

In the event that a situation arises, either on or off campus, that, in the judgment of the Director of Public Safety or other University Administrators, constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued by the Public Safety Department. The warning may be issued through NVU-Johnson's e-mail system to students, faculty and staff, or through postings in potentially affected buildings or residence halls. NVU-Johnson will withhold as confidential the names of victims when issuing "timely warnings."

All incidents of crime should be reported promptly to the Department of Public Safety so that timely warnings to the community can be made, if appropriate. Reporting crimes in a timely manner will also ensure that the report is included, if appropriate, in NVU-Johnson's annual security report. Criminal activity occurring off campus, but adjacent to campus property, is handled by the Lamoille County Sheriff's office.

### **Daily Crime Log**

A daily crime log is kept in the Public Safety office and is available on line at:

<https://www.northernvermont.edu/services/campus-safety/johnson-public-safety>

This log is also available in the Public Safety office during normal office hours and includes a list of alleged criminal incidents, including non-Clery Act crimes, reported to Public Safety over the previous 60 days.

## Missing Students who reside on campus

In compliance with the Missing Student policy in the U.S. Department of Education's Handbook for University Safety and Security Reporting, all residential students are asked to identify a contact person or persons whom the institution shall notify within 24 hours of the determination that the student is missing. The missing student contact person can be anyone, including the same person identified as the student's emergency contact person.

The missing student contact person's name is confidential and will be accessible only to authorized University officials, and may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

### How to report a suspected missing student:

Should any NVU Community member be aware or suspect, that a student is missing, notification to the Public Safety Office should occur immediately. This can be done by calling Johnson- 802.635.1205, 5-1205 from on campus, or by submitting a Public Safety Report using the following link:

<https://www.northernvermont.edu/services/campus-safety/johnson-public-safety>

Once a report is submitted, the Public Safety office will initiate the University's Missing Student Protocol. The Department will generate a missing person report and initiate an investigation.

If after investigating a missing person report, NVU-Johnson Public Safety determines that the student is missing and has been missing for more than 24 hours, Public Safety will notify the Lamoille County Sheriff's Department and the student's emergency contact no later than 24 hours after the student is determined to be missing. The University may initiate the missing person notification procedure even if the student has been determined to be missing for less than 24 hours.

If the missing student is under the age of 18 and is not an emancipated individual, NVU-Johnson must notify the student's custodial parent or legal guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

## Fire Safety and Fire Statistics in Housing Facilities

In accordance with the 2008 changes to the Higher Education Opportunity Act, institutions like NVU-Johnson that maintain on-campus housing, shall, on an annual basis, publish a fire safety report. For compliance purposes this report is contained in this section of this annual report. Reporting a fire is everyone's responsibility. A daily fire log is kept in the Public Safety office in accordance with the Clery Act. This log is available for review during normal office hours and includes any reported fires within the last 60 days. The log contains the date the fire was reported, the nature of the fire, the date and time of the fire, and the general location of the fire.

### Reporting a Fire

If a fire occurs on NVU-Johnson campus property, community members should immediately call 911. This will ensure that the Johnson Fire Department is notified and can respond. If a member of the NVU-Johnson Community finds evidence of a fire that has been extinguished and it is unclear whether the fire has been reported to Public Safety, the community member should immediately notify Public Safety so the Department can investigate and document the incident.

### Fire Alarms and Evacuating

Fire alarms alert community members of a potential hazard and community members are required to heed their warning, and evacuate a building immediately upon hearing a fire alarm in a facility. Use the nearest stairwell and/or exit to leave the building immediately. Community members should familiarize themselves with the exits in each

building. When a fire alarm is activated, the elevators will stop automatically. Occupants should use the stairs to evacuate the building. If you are caught in the elevator push the emergency phone button. All emergency phones in elevators on campus ring directly to Public Safety. NVU-Johnson publishes this report as part of its annual Fire Safety Report, which contains information with respect to the fire safety practices and standards for NVU-Johnson. This report includes statistics concerning the number of fires, the cause of each fire, the number of injuries and deaths related to a fire, and the value of the property damage caused by a fire. Information on Fire Safety can be accessed via the NVU-Johnson website at:

<https://www.northernvermont.edu/academics/resources/student-handbook>

## Housing Facility Fire Safety Systems

Housing Facility	Fire alarm Monitoring by Home Security	Partial Sprinkler System (lobby Only)	Full Sprinkler System (All common areas and individual rooms)	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans/Placards	Number of evacuation drills conducted in the previous calendar year
Martinetti Hall	YES	-	YES	YES	YES	YES	2
Arthur Hall	YES	-	YES	YES	YES	YES	2
Governors Hall	YES	-	YES	YES	YES	YES	2
Senators Hall	YES	-	YES	YES	YES	YES	2
Campus Apartments	NO	NO	NO	YES	YES	NO	2

## Fire Safety Improvements and Upgrades

The University regularly reviews the fire systems in our residence halls and makes upgrades, repairs or revisions when problems are identified. Residence hall fire alarm systems have been replaced and automatic dialers installed within the last six years. Smoking is prohibited in all campus buildings, including the residence halls. Full sprinkler systems were installed in Governors Hall and Senators Hall in 2017 and 2018.

## Residence Hall Fire Drills

Fire drills are held once a semester for each residence hall, including the Campus Apartments. Fire drills are mandatory supervised evacuations. The fire drill is scheduled with Public Safety, residence life staff, and the local fire department. The supervised fire drill is scheduled within the first three weeks of the semester. Evacuation route maps and detailed instructions on evacuating appropriately are posted in each residence hall suite showing where the closest exit route to the assembly area outside. Students who fail to leave the building during a fire drill may be sanctioned.

## Fire Life Safety Education

Fire Safety Guidelines – The following actions violate the fire safety code and are prohibited:

- Smoking, vaping or tobacco use of any type in the residence halls and campus apartments
- Open flame or fire (i.e. candles or incense)
- Decorative lights - unless they are LED
- Live trees or wreaths
- Additional furniture
- Anything near, covering, or attached to the smoke detector or heat sensor
- Items hanging from the ceiling, or storing items near the ceiling that restrict the flow of air to the smoke detector or heat sensor (such as bulky items stored above wardrobes)
- Toaster ovens, hot plates, electric frying pans, toasters, crock pots
- Indoor or outdoor grills
- Space heaters
- Blocking doorways or exits
- Storage of flammable liquids
- Tapestries not flat against wall

- Anything blocking, covering or using the room heater as a shelf
- Storage of bikes or any other items in residence hall/apartment corridors, stairwells, entryways or bathrooms

## Fire/Life Safety Inspections

Annually, personnel from the Physical Plant Department perform a fire and safety inspection in each residence hall room at NVU-Johnson. Typically fire and safety inspections are conducted nightly by Public Safety officers in each residence hall. The goal is to ensure exterior doors are accessible to authorized persons and that exit signs, life safety equipment, and points of egress are clearly marked and available for use. Room fire safety inspections are conducted on a regular basis in the residence halls. Most often, these inspections take place during scheduled University breaks

## Outdoor Fires

Any student or group that wishes to have an outdoor fire of any kind on NVU-Johnson premises must submit a request in writing and receive authorization prior to having any such fire. Requests must be made to Public Safety and must include event details such as time date and desired location. Fires will only be permitted if conditions are determined to be safe. Any unauthorized fire found on NVU-Johnson premises will be immediately extinguished and those responsible may be subject to disciplinary action, including any costs associated with cleanup

## Tobacco/Smoking Policy

In keeping with the Vermont State Colleges System policy 314, all campuses within the VSCS have committed to becoming tobacco-free\*. At NVU, our desire is to ensure a safe and healthy environment for all students as well as staff and visitors who work and use our facilities.

All university-owned grounds and buildings, including residence halls and campus apartments, are tobacco-free. Please access the website or portal for additional information related to our tobacco-free campus policy.

\*Per this policy, tobacco is defined as any manufactured product containing tobacco or nicotine, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, shisha, pipes, water (hookah) pipes, dissolvable tobacco products, electronic cigarettes, other electronic or battery-powered vaping devices and all forms of smokeless tobacco.

\*As of September 1, 2019, it is illegal for a person under 21 years of age in Vermont to possess, purchase, or attempt to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia.

For additional information regarding the University Tobacco-Free Policy please visit:

**<http://NorthernVermont.edu/TobaccoFree>**

To access the complete VSC Tobacco Use Reduction and Prevention Policy visit this link:

**<https://www.vsc.edu/wp-content/uploads/2017/02/Policy-314-Tobacco-Use-Reduction-and-Prevention.pdf>**

## Statistics and Reports of on-campus student housing fire(s)

2018 Housing Facility	Total Fires	Fire Number	Cause of Fire	Number of Injuries from fire (medical facility)	Deaths due to fire	Property Value loss
Martinetti Hall	0	0		0	0	0
Arthur Hall	0	0		0	0	0
Governors Hall	0	0		0	0	0
Senators Hall	0	0		0	0	0
Campus Apartments	0	0		0	0	0

2017 Housing Facility	Total Fires	Fire Number	Cause of Fire	Number of Injuries from fire (medical facility)	Deaths due to fire	Property Value loss
Martinetti Hall	0	0		0	0	0
Arthur Hall	0	0		0	0	0
Governors Hall	0	0		0	0	0
Senators Hall	0	0		0	0	0
Campus Apartments	0	0		0	0	0

2016 Housing Facility	Total Fires	Fire Number	Cause of Fire	Number of Injuries from fire (medical facility)	Deaths due to fire	Property Value loss
Martinetti Hall	0	0		0	0	0
Arthur Hall	0	0		0	0	0
Governors Hall	0	0		0	0	0
Senators Hall	0	0		0	0	0
Campus Apartments	0	0		0	0	0

## Definition of Terms

### **Fire**

Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

### **Fire drill**

A supervised practice of a mandatory evacuation of a building for a fire.

### **Fire-related injury**

Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term person may include students, faculty, staff, visitors, fire fighters, or any other individuals.

### **Fire-related death**

Any instance in which a person is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire, or deaths that occur within 1 year of injuries sustained as a result of the fire.

### **Fire safety system**

Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire including: Sprinkler or other fire extinguishing systems, Fire detection devices, standalone smoke alarms, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights, smoke-control and reduction mechanisms, and Fire doors and walls that reduce the spread of a fire.

### **Value of Property Damage**

The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity, including: contents damaged by fire, related damages caused by smoke, water, and overhaul, however it does not include indirect loss, such as business interruption

## Security and Access to Campus Facilities

The Public Safety Department is responsible for control and access to campus building and grounds. The Residence Halls are locked 24 hours a day, 7 days a week. Guests of residential students must have valid passes and must follow all NVU-Johnson regulations and policies. Residents are responsible for their guests' actions.

Anyone found in academic building after specified closing times will be asked to leave. The closing hours for the academic buildings are:

SHAPE/Carter Gymnasium	10:00 P.M.
McClelland Hall	11:00 P.M.
Dibden Center for the Arts	11:00 P.M.
Bentley Hall	11:00 P.M.
Library & Learning Center	10:00 P.M. (24 hour study room available 24/7 when school is in session)
Visual Arts Center	11:00 P.M.
Martinetti Hall (admin portion)	5:00 P.M.
Dewey Hall	11:00 P.M.
Stearns Student Center	1:00 A.M. (Top floor accessible 24/7 when schools is in session via current NVU-Johnson ID)

Certain events taking place on campus may change these closing times occasionally. If you have questions about the closing hours of any building, please contact Public Safety.

Both residence halls and academic buildings are routinely inspected for lost or damaged safety equipment such as fire extinguishers, emergency lights, exit signs, emergency exit alarms, smoke detectors, fire alarm systems, fire suppression systems, security devices and door locks. Damaged or faulty equipment is replaced or repaired promptly after it is reported.

## Security Awareness and programs

All incoming students are informed of campus security procedures and practices. The NVU-Johnson community is encouraged to be proactive and to take responsibility for their own safety. At orientation Public Safety presents "Beyond the Badge - Help us help you." An e-mail with safety-related policies relevant to staff, faculty and students is issued each semester.

Overwhelmingly students tell us that they feel NVU-Johnson is a safe place to be. Students report feeling it is a safe environment in which to live and learn. Public Safety and the Office of Residence Life are committed to student safety and strive to be proactive in delivering tools to help students protect themselves and their property from the unexpected.

Safety is a shared responsibility and you can actively be engaged in keeping our community safer by watching this video series from 360° Stay Safe™.

To access the material visit:

<https://portal.vsc.edu/sites/JSC/CollegeServices/PublicSafety/Pages/360-Stay-Safe.aspx>

*Note: You must log into the portal to view the videos.*



CHAPTER 1 Protect your Possessions and Identity. The most frequent crimes are crimes of opportunity. These common sense steps can be used to guard your personal belongings and, very importantly, your identity.

CHAPTER 2 Student Assaults. In 90% of sexual assault cases, the victim knows the attacker. A heightened sense of awareness and knowing how to be more proactive can prevent a serious attack.

CHAPTER 3 Controlling Behavior. Know how to recognize the signs of an unhealthy relationship? Have a strategy for getting out of one? Learn how to deal with emotional abuse and other unhealthy behavior.

CHAPTER 4 Stalking. Learn simple, effective guidelines to help prevent unwanted attention from others looking to do harm, including public embarrassment, predatory stalking and more.

CHAPTER 5 Everyday Safety. Some dangerous situations are more obvious than others. This section provides easy to remember strategies to deal with the everyday situations we often overlook

CHAPTER 6 Common Sense Defense if the unthinkable happens, would you know how to fight back? If gunshots rang out, would you know what to do? You will, after watching these simple, memorable instructions and techniques.

CHAPTER 7 Safe Travel. Holiday travel, spring break, summer vacations can all place a distracted and vulnerable young adult in a risky situation. Learn these smart tips.

Additionally, residential students have regular floor meetings in which safety topics are discussed. Additional crime prevention and safety information is included in the NVU-Johnson *Student Handbook* which is published annually in the Fall and provided electronically to all students.

## **Emergency Procedures**

NVU-Johnson has created an Emergency Response Procedure guidebook that covers a number of emergencies. Please visit this link to review this material:

<https://portal.vsc.edu/sites/JSC/CollegeServices/PublicSafety/EmergencyProcedures/Documents/NVU%20Johnson%20Emergency%20Response%20Guide%20September%202018.pdf>

## **Residence Hall Security**

Residence halls are locked 24 hours a day, 7 days a week. Only residents, Residence Life, Maintenance, and Public Safety staff have access to individual residence hall rooms. Individual room doors have electronic swipe locks for added security. These locks cannot be left in an unlocked state. Faulty or non-operational locks should be reported

immediately to residence hall staff or Public Safety. Visitors should contact residents by using the phones located outside of the buildings for access.

## Weapons

All weapons, weapon facsimiles, including disabled weapons are prohibited on the University campus.

“Weapon” should be understood to include, but not be limited to:

- Firearms
- Explosives (materials or devices, including fireworks)
- Knives that have a blade over 3”
- Switchblades, butterfly knives, and the like, regardless of blade length
- Slingshots
- Bows and arrows
- BB or pellet guns
- Combustible materials
- Any other item which can be used to inflict injury OR cause a person to reasonably believe can be used to inflict injury.

Additional information is available in the NVU-Johnson *Student Handbook* found here:

<https://www.northernvermont.edu/academics/resources/student-handbook>

## Drug and Alcohol Policy

In support of NVU–Johnson’s Medical Amnesty/Good Samaritan policy, NVU–Johnson’s first concern is a student’s health and safety. Should a student find him, herself, or a fellow student in an unsafe situation involving alcohol or drugs, he or she is strongly encouraged to contact the residence life or public safety staff. The focus of the University’s response will be on ensuring the safety of the students involved, rather than on disciplinary action.

Students who violate this policy are subject to internal disciplinary action, as well as criminal penalties pursuant to federal, state and local laws. Students may also be held accountable under civil law and/or University policies. When these areas of jurisdiction overlap, the University reserves the right to follow its normal disciplinary process whenever a student is accused of a criminal act that also violates University policy, regardless of legal disposition.

Any behavior due to the use of alcohol or other drugs that disrupts the academic or University community may result in disciplinary action.

All students, faculty, staff, and visitors are subject to local, state and federal laws, as well as the University drug and alcohol policy rules and regulations, while on NVU-Johnson property or while participating in off campus activities sponsored by the University.

Additional information is available in the NVU-Johnson *Student Handbook* found here:

<https://www.northernvermont.edu/academics/resources/student-handbook>

## Marijuana

Despite the change in Vermont’s state law, federal law continues to prohibit marijuana use, possession, and cultivation at educational institutions and on the premises of all recipients of federal funds. Northern Vermont University and all member institutions of the Vermont State College System (“VSCS”) receive federal funding in the form of student financial aid (grants, loans, and work study programs), as well as through federal research grants. As a condition of accepting this federal money, VSCS’s member institutions are required to certify that they comply with the Drug-Free Schools and Communities Act. Under this Act, the VSCS’s member institutions must adopt and implement programs to

prevent the unlawful possession, use, or distribution of illicit drugs or alcohol by students and employees. Marijuana continues to be classified as a controlled substance under federal law and therefore continues to be prohibited on campus grounds.

## Alcohol Policy

- Use or possession of alcoholic beverages or tobacco products by persons under 21 years of age is prohibited. Empty containers in the room of an under-age student count as possession.
- Supplying alcohol to persons under 21 years of age is prohibited. This includes under-age students supplying alcohol to other under-age students.
- Students of-age who are otherwise permitted to use or possess alcohol in their room or apartment, may only do so in the presence of other of-age students. The only exception to this is an under-age roommate. This exception only applies when the roommate is the only person present. This exception does not permit the under-age roommate to use alcohol.
- Students 21 years old and older may possess up to one six pack of 12 oz. beers, OR one 750 mL bottle of wine, OR one pint of hard liquor. Empty containers are included in the count. Students of-age, in a designated substance-free living area, may not possess any alcohol per the substance-free agreement.
- Kegs, tap systems, beer balls, or any other bulk delivery system for alcohol are not permitted.

The consumption of alcohol in public areas is strictly prohibited. All alcohol transported through public areas must be unopened. Public areas include, but are not limited to stairwells, balconies, laundry rooms, lounges, public restrooms, outside ground areas, recreation fields, athletic playing surfaces, disc golf course and parking lots, elevators, hallways, lobbies, office areas, and vending areas.

All students and visitors to the University must abide by Federal and Vermont State Laws, the University's code of conduct and other University policies. Students are responsible for enforcing the alcohol/drug policy with their guests.

## Public Intoxication

University officials are authorized to contact emergency and/or law enforcement services when life or community threatening behaviors are exhibited. These include the following:

- Impaired fine and gross motor skills as evidenced by significantly slurred speech, staggering gait, or inability to stand without support,
- Impaired level of consciousness as evidenced by confusion or inability to clearly express awareness of information relating to time and place,
- Display of a barely conscious or semi-stuporous state despite verbal and tactile attempts to waken student.

## Consequences for Violations of the Alcohol/Drug Policy

The following are minimal consequences that students may expect to receive if they are found responsible under the NVU–Johnson alcohol/drug policy. Additional consequences may apply as determined by the University or as mandated within state and federal law.

First Violation:

- Parental or guardianship notification
- Educational service hours or other administrative sanctions as deemed appropriate
- Meeting with a professional Residential Life Staff Member

Any subsequent violation of the NVU–Johnson alcohol or drug policy may result in additional administrative sanctions. Depending on the severity of the violation, the following sanctions may be imposed:

- Parental or guardianship notification
- Educational service hours or administrative sanctions as deemed appropriate.
- Meeting with a member of the NVU–Johnson Wellness Center
- Off-Campus Substance Abuse Evaluation with a licensed alcohol or drug counselor
- Administrative hearing, which may result in removal from University housing for the remainder of the academic year
- Suspension or dismissal from the University

The University reserves the right to impose additional sanctions as deemed appropriate. The University will place a hold on student academic records (i.e. transcripts, registration, grades, etc.) in cases of failure to comply with administrative sanctions or educational service hours.

Students convicted of a drug law violation are subject to the loss of eligibility for Federal Student Financial Aid.

**Note the following: The Family Education Rights and Privacy Act allows notification of parents and/or legal guardians in the case of violations of the University’s drug/alcohol policy without student permission or consent. The University will consider informing a parent or guardian of such violations, if the student is under 21 years of age.**

## Alcohol and Drug Abuse Prevention Programming

NVU-Johnson has contracted with EverFi to provide all students online training and education related to sexual harassment and sexual assault prevention. The module offered to our students is the Sexual Assault Prevention Suite and includes Title IX and Cleary Act training that engages undergraduate students in fostering healthy relationships and preparing them to recognize and respond to sexual assault and harassment when it occurs. NVU-Johnson also offers several outreach programs to the student community throughout the year in addition to week-long awareness events such as National Collegiate Alcohol Awareness Week in October. During this week, the Student Association, Athletics Department, Residential Life, Public Safety office, and the NVU-Johnson Wellness Center staff collaborate to provide increased awareness regarding the psychosocial and health risks associated with alcohol and drug use. Consent Week in September offers programs, workshops and information to our student community, offered by Residence Life, the Dean of Students Office and the Wellness Center with additional outreach from outside community organizations such as the Clarina Howard Nichols Center. In April, The Wellness Center, in collaboration with the Athletics Department brings awareness and education around Healthy Relationships, Dating Violence and Domestic Assault by sponsoring A Walk for the Silent event on campus in addition to a Wellness Center fair which includes information tables hosted by several organizations within Lamoille County.

Freshman Orientation at NVU-Johnson includes comprehensive alcohol and drug outreach programming. The University pursues grant funding to support and implement additional programs aimed at reducing alcohol abuse and works with local prevention coalitions and community partners to run social norms and marketing campaigns.

The NVU-Johnson Wellness Center employs a full time counselor, two part-time counselors, including one Apprentice Addiction Professional (AAP) working toward his Licensed Alcohol and Drug Counselor certification and graduate interns who are completing their Master's degrees in clinical mental health. Students who violate NVU-Johnson alcohol and/or drug policies may be referred to one of NVU-Johnson's campus-based counselors, as well as receive referrals to off campus counselors. Self-referred students who are experiencing difficulties related to alcohol and/or drug use are also provided with education, treatment, and referrals to off-campus providers when appropriate.

## Where to Get Help

**Faculty and Staff:** If you would like to talk to someone in confidence about a drug-or alcohol related problem, the Employee Assistance Program works closely with both public and private community agencies that provide medical and rehabilitative services to people in need of assistance with alcohol or drug dependency. Contact Sandy Duffy, Director, Payroll and Benefits at 802-635-1214

**Students:** While there is a popular myth that all University students binge drink, the actual national survey statistics show that most University students choose to drink moderately or not at all. There are nonetheless some students who drink in high quantities and/or drink frequently. If you are concerned about your (or someone else's) relationship with alcohol and other drugs, there are a variety of resources available on campus through the Wellness Center. Alcohol and other drug-related services and programs including prevention, education, intervention and treatment are available to all students. There are a number of agencies that can provide confidential information and consultation regarding drug and alcohol issues. Contact the Wellness Center for further information or contact a member of Public Safety or Residential Life and they will assist you.

**The NVU-Johnson Wellness Center offers:** Screening, assessment, psycho-education and counseling services on campus. Students may self-refer or be mandated by the Dean of Student's office due to violations of NVU-Johnson's Drug and Alcohol policies. Mandated students are also welcome to seek other off- campus services, and the Counseling Center has local referral lists available. As with all of our counseling services, substance abuse services are confidential, requiring a written release of information before any communication can be made regarding compliance with mandated counseling. Regardless of the reason for referral, the counseling center embraces a holistic, developmental, harm reduction model.

## Policy 311: Non-Discrimination and Prevention of Harassment and Related Unprofessional Conduct

Sexual harassment is illegal and NVU-Johnson will not tolerate sexual harassment of its students and employees, nor will it tolerate related unprofessional conduct.

Sexual harassment describes a wide range of behavior between students, between employees, or between students and employees. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment.

Policy 311: *Non Discrimination and Prevention of Harassment and Related Unprofessional Conduct* and its Implementing Procedures are available in their entirety on the NVU-Johnson Portal, under the Public Safety section. To initiate a sexual harassment complaint, formally or informally, or for further information, contact:

NVU-Johnson Policy 311 Coordinator  
Jo Ann Lamore  
Assistant Academic Dean  
NVU-Johnson  
337 College Hill  
Johnson VT 05656  
802-635-1242  
Jo.Lamore@NorthernVermont.edu

NVU-Johnson Title IX Coordinator  
Michele Whitmore  
Associate Dean of Students  
NVU-Johnson  
337 College Hill  
Johnson VT 05656  
802-632-1200  
Michele.Whitmore@NorthernVermont.edu

This policy can be found in its entirety on the MY NVU-Johnson Portal, under VSC policy page, or by visiting this link:

[http://www.vsc.edu/about-vsc/VSC\\_Policies/Policy%20311%20Non-Discrimination%20and%20Prevention%20of%20Harassment%20and%20Related%20Unprofessional%20Conduct.pdf](http://www.vsc.edu/about-vsc/VSC_Policies/Policy%20311%20Non-Discrimination%20and%20Prevention%20of%20Harassment%20and%20Related%20Unprofessional%20Conduct.pdf)

# Policy 311-A: Sexual Misconduct, Domestic Violence, Dating Violence, Sexual Assault and Stalking

“VSC” refers collectively to the Vermont State Colleges and the four individual member institutions, Castleton University, Community College of Vermont, Northern Vermont University, and Vermont Technical College. Therefore, the following policy applies to NVU-Johnson.

## I. NOTICE OF NONDISCRIMINATION

As a recipient of federal funds, each member University of the Vermont State Colleges (collectively “the VSC”) is required to comply with Title IX of the Higher Education Amendments Act of 1972 (“Title IX”). In accordance with Title IX, as well as applicable state and federal law, the VSC prohibits discrimination on the basis of sex in its education programs and activities, admission, and employment. Prohibited sex discrimination includes sexual harassment, as defined in VSC Policy 311, *Non-Discrimination and Prevention of Harassment and Related Unprofessional Conduct*. Prohibited sex discrimination also includes sexual misconduct as defined in this policy.

Inquiries concerning the application of Title IX may be referred to VSC’s Title IX Coordinators or to the United States Department of Education for the Office of Civil Rights. Contact information for the Title IX Coordinators and the Office of Civil Rights is located in Appendix A to the *Chancellor’s Procedures for Implementation of Policy 311-A: Sexual Misconduct, Domestic Violence, Dating Violence, Sexual Assault, and Stalking*.

## II. POLICY STATEMENT

The VSC is committed to maintaining an educational and working environment free from all forms of sex discrimination, including sexual misconduct. The VSC is also committed to maintaining an educational and working environment free from domestic violence, dating violence, sexual assault, and stalking. Such misconduct will not be tolerated. These acts not only violate a person’s feelings of trust and safety but can also substantially interfere with a person’s education or employment.

## III. POLICY SUMMARY

It is the policy of the VSC that, upon learning that an act of sexual misconduct, domestic violence, dating violence, sexual assault, or stalking has occurred, prompt and appropriate remedial action reasonably calculated to stop the misconduct shall be taken. Disciplinary sanctions for any member of the VSC community engaging in conduct prohibited under this policy includes the suspension or dismissal/expulsion of students, the suspension or termination of employment or other appropriate disciplinary action such as warnings, reprimands and educational sanctions, as well as possible referral for criminal investigation and prosecution under Vermont law.

**Reporting:** The VSC encourages, and in the case of its employees requires, the prompt and accurate reporting of sexual misconduct, domestic violence, dating violence, sexual assault, or stalking. This allows the VSC to respond quickly to allegations and offer support to individuals who may have been subjected to these forms of misconduct. The VSC is committed to protecting the confidentiality of victims, wherever possible, and will work closely with individuals seeking

confidential assistance regarding misconduct under this policy. Certain professionals are permitted by law to offer confidentiality. Those who do not have the privilege of offering confidentiality are expected to handle reports discreetly to the extent permitted or required under the law and VSC policy. All allegations will be investigated promptly and thoroughly, and both the accuser and the accused will be afforded equal rights during the investigatory and adjudicatory process.

**The NVU-Johnson campus contacts for 2019-2020 are:**

Location	Name	Office/Department	Phone	Email
Arthur Hall	Jennifer Stefanski	Assistant Director, Conference and Event Programming	802-635-1672	Jennifer.Stefanski@NorthernVermont.edu
Dewey Hall	Jeff Bickford	Dean of Students/Res Life	802-635-1491	Jeff.Bickford@NorthernVermont.edu
Dewey Hall	Sara Kinerson	Advising and Registration	802-635-1258	Sara.Kinerson@NorthernVermont.edu
Dewey Hall	Emily Neilsen	Coordinator of First-Year Events	802-635-1408	Emily.Neilsen@NorthernVermont.edu
Dewey Hall	Michael Palagonia	Public safety	802-635-1204	Michael.Palagonia@northernvermont.edu
Dewey Hall	Beth Walsh	Director of Career Development, Career and Internship Center	802-635-1377	Beth.Walsh@NorthernVermont.edu
Martinetti Hall	JoAnn Lamore	Assistant Academic Dean, Academic Affairs	802-635-1243	Jo.Lamore@NorthernVermont.edu
Martinetti Hall	Andrew Lafrenz	Part-time Faculty, Women's Soccer Head Coach, Business and Economics Department	802-635-1302	Andrew.Lafrenz@NorthernVermont.edu
SHAPE	Jim Nichols	Head Trainer, Athletics, SHAPE and Recreation	802-635-1487	James.Nichols@NorthernVermont.edu

Please note, if dialing any of the numbers above from an on campus extension dial a 5 before the last 4 digits.

**Prevention and Education:** It is the collective responsibility of all members of the VSC community to foster a safe and secure campus environment. In an effort to promote this environment and prevent acts of sexual misconduct, domestic violence, dating violence, sexual assault, and stalking from occurring, the VSC provides ongoing prevention and awareness programs. Incoming students and employees are expected to participate, and other members of the VSC community are encouraged to participate, in these programs.

**Retaliation:** Retaliation against any person for reporting, supporting a victim, or providing information in connection with a complaint of misconduct under this policy is prohibited and may result in disciplinary action, up to and including suspension, expulsion/dismissal or termination of employment. Retaliation may be found whether or not the underlying complaint is ultimately found to have merit. A complaint of retaliation should be reported, and will be investigated and adjudicated, using the procedures implementing this policy.

**False Information:** Providing false information in connection with a complaint of misconduct under this policy or intentionally misleading officials in the investigation or resolution of such a complaint is prohibited and may result in disciplinary action, up to and including suspension, expulsion/ dismissal or termination of employment.

**Academic Freedom:** This policy shall not be construed or applied to restrict academic freedom at the VSC, nor shall it be construed to restrict constitutionally protected expression, even though such expression may be offensive, unpleasant or even hateful.

**Interpretation:** This policy is to be read consistent with federal and state law. If there is any conflict between this policy and federal or state law, this Policy is to be interpreted consistent with federal or state law.

#### **IV. SCOPE OF COVERAGE**

**Who:** This policy applies to all members of the VSC community, including students, employees, and other third parties who come on to campus (such as parents, visitors, independent contractors, and vendors), who are involved in an incident of sexual misconduct, domestic violence, dating violence, sexual assault, or stalking (including those who witness an incident or report an incident on behalf of another). It covers misconduct between individuals in different types of relationships. These include, but are not limited to, student to student, employee to employee, faculty member to faculty member, visitor/contracted employee to employee/student, faculty member to student, employee to student, supervisor to subordinate, coach to student athlete, and student to employee/faculty member. Misconduct under this policy may be acts committed by an individual or collective actions committed by members of a group or organization. These acts may be committed against an individual or against a group or organization. These acts may be committed by a stranger, an acquaintance, or someone with whom the victim has a social, romantic, or intimate relationship. These acts may be committed by or against any individual, regardless of sexual orientation or gender identity.

**What:** This policy prohibits sexual misconduct, domestic violence, dating violence, sexual assault, and stalking as defined herein, in the VSC's educational, extracurricular, athletic, and other programs and activities, as well as in the employment setting. These terms are further defined in the Definitions section below. Sexual harassment is also prohibited by the VSC, and is addressed separately in VSC Policy 311, *Non-Discrimination and Prevention of Harassment and Related Unprofessional Conduct*.

**Where:** This policy covers conduct that takes place on VSC campuses and in any building or property owned or controlled by the VSC and used in direct support of, or in a manner related to, the VSC's mission. This includes public property within or immediately adjacent to and accessible from VSC property, as well as any building or property not within the same reasonably contiguous geographic area of VSC that supports or relates to VSC's educational purposes and is used frequently by students. This policy also covers conduct that takes place off-campus, or through the use of online, electronic or digital technologies, that may have a nexus to any VSC education program or activity, for example by creating a hostile environment on campus or representing a threat to the safety of members of the VSC community or to the continuance of normal VSC operations.

**When:** The length of time between an incident and making a report of misconduct under this policy will not affect the willingness of the VSC to investigate the allegations or provide support and other services to the individual reporting the conduct. However, a prompt report will enhance the VSC's ability to conduct an investigation and the effectiveness of any criminal or VSC adjudicatory process. Therefore, the VSC strongly encourages individuals to report incidents of misconduct immediately following their occurrence.

#### **V. RESOURCES FOR VICTIMS**

Written information on existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for individuals who report that they have been subjected to misconduct in violation of this policy, both on campus and in the local community, is available from the

Office of the Chancellor and each of the member University's. The VSC will provide written notification about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or other protective measures. The VSC will make such accommodations or provide such protective measures if requested and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Requests for accommodations should be made to the Title IX Coordinator.

## **VI. CLERY ACT**

The VSC is committed to complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act").<sup>1</sup> Employees who are designated as Campus Security Authorities are required to report certain sex offenses and other crimes to the Department of Public Safety for the purpose of compliance with the Clery Act. The Offices of Public Safety for the member Colleges shall include any reported incidents of dating violence, domestic violence, sexual assault, and stalking, along with other crimes, in the daily crime log, and the annual security report. Public Safety will issue a timely warning when a Clery Act crime, which is considered to pose a serious or continuing threat to the VSC community, is reported to Public Safety or to local law enforcement (if local law enforcement makes Public Safety aware of such reports). No personally identifying information will be included in the public reports required by the Clery Act.

## **VII. CONFIDENTIALITY**

The VSC is committed to maintaining the privacy of all individuals involved in a report of sexual misconduct, domestic violence, dating violence, sexual assault, and stalking to the extent it reasonably can do so. While the VSC encourages individuals to report incidents of misconduct in violation of this policy, the VSC understands that it can be difficult for individuals to come forward to report such misconduct. The following resources have differing obligations to maintain confidentiality and to report incidents.

### **A. Confidential Off-Campus Resources**

Crisis services and off-campus healthcare providers will generally maintain confidentiality, to the extent permissible under applicable law.

### **B. Counselors and Health Services Professionals**

The VSC's licensed professional counselors and health services staff respect and protect confidential communications from students and employees to the extent permissible under applicable law. They may have the responsibility to disclose otherwise-privileged information in the event they perceive an immediate and/or serious threat to any person or property. In addition, medical and mental health professionals are required by law to report any allegation of sexual assault of a person under age 18. These professionals will report incidents, without any identifying information, to the Title IX Coordinator so VSC is aware that an incident of alleged misconduct under this policy has occurred. If the incident is a crime covered by the Clery Act, these professionals will report it, without any identifying information, to the

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<sup>1</sup> The Clery Act requires all colleges and universities that participate in federal financial aid programs to keep and report information about crime on or near their campuses.

appropriate Office of Public Safety for Clery Act purposes. The non-identifying information to be reported includes the nature, date, time and general location of the incident.

### **C. Employees**

Employees of the VSC, other than those employed by the VSC in their capacity as licensed professional counselors and health services staff, are not able to guarantee confidentiality. General inquiries or questions about policies and procedures do not have to be reported. Employees who learn of an incident of sexual misconduct, domestic violence, dating violence, sexual assault, or stalking are required to report this information to the Title IX Coordinator, the Dean of Students, or the President. Employees who are Campus Security Authorities are also required to report certain sex offenses and other crimes to the Department of Public Safety for the purpose of the VSC's compliance with the Clery Act. All information will be kept securely and, even if an individual does not request confidentiality, the information will be shared on a "need to know" basis only with those assisting in any review, investigation or adjudication of the report, or who otherwise need to know the information to perform the duties of their position. Although not bound by confidentiality, these individuals should be discreet and respect the privacy interests of all individuals involved in the process.

The VSC will strive to protect the privacy interests of individuals to the extent it can while fulfilling its obligations to uphold relevant policies and regulations, to conform to any legal requirements, and to take reasonable steps to promote the safety of members of the VSC community. The VSC has an obligation to investigate complaints of sexual harassment, sexual misconduct, dating violence, domestic violence, sexual assault, and stalking, and to take reasonable steps to prevent recurrence of such behavior. Therefore, in some circumstances, the VSC may report an incident of misconduct under this policy to law enforcement or investigate and pursue disciplinary action against the offender, even if an individual requests confidentiality or chooses not to file a complaint. For this reason, absolute or strict confidentiality cannot be guaranteed. The VSC will evaluate requests for confidentiality on a case-by-case basis, within the context of its responsibility to provide a safe and nondiscriminatory environment for all students, employees and third parties, and to promote the health, safety, and wellbeing of the VSC community.

If an individual filing a report insists that his or her name or other identifiable information not be revealed and the VSC is able to respect that request, the VSC's ability to respond fully to the report may be limited. For example, a person accused of engaging in misconduct under this policy has the right to know the name of the accuser and information regarding the nature of the allegations in order to defend against the allegations in an adjudicatory process. Thus, the VSC may not be able to maintain a request for confidentiality and also adjudicate a complaint. If an individual insists on confidentiality, the VSC may be able to take action to limit the effects of the alleged sexual misconduct, domestic violence, dating violence, sexual assault, or stalking and prevent its recurrence to the extent warranted and practicable.

### **D. Law Enforcement**

If a crime of sexual misconduct, domestic violence, dating violence, sexual assault, or stalking appears to have occurred, the VSC encourages accurate and prompt reporting of these crimes to the Office of Public Safety and/or to state or local law enforcement. Victims subjected to such misconduct have the option to notify law enforcement, to be assisted by VSC officials in notifying law enforcement, or to decline to notify law enforcement. A victim may inform law enforcement of an incident of sexual misconduct, domestic violence, dating violence, sexual assault, or stalking without making a formal criminal complaint. A victim may choose to pursue a criminal complaint, a complaint through the VSC's

disciplinary process, or both simultaneously. A victim who chooses not to notify law enforcement immediately has the option to notify law enforcement at a later time. Completing a forensic exam is important to preserve evidence and does not require the examinee to file a police report. Reports to law enforcement are not confidential.

## VIII. DEFINITIONS

### A. **Clery Act Crimes**

The definitions of dating violence, domestic violence, sexual assault, and stalking used in this policy are consistent with the Clery Act, as amended effective 2014. In its primary prevention and awareness programs for incoming students and new employees, as well as in its primary prevention and awareness programs for students and employees, the VSC shall include the definitions of dating violence, domestic violence, sexual assault, and stalking under the criminal law of Vermont. However, the VSC utilizes its own definitions of these prohibited behaviors, which are consistent with the Clery Act as set forth below, for purposes of this policy and determines responsibility for violations of this policy through its own procedures and standards of proof (*i.e.* by a preponderance of the evidence standard), not through the procedures or standards of proof employed in the criminal justice system.

**Dating Violence:** “Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- (i) The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- (ii) For the purposes of this definition—
  - (A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - (B) Dating violence does not include acts covered under the definition of domestic violence.”<sup>2</sup>

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting. It is also a violation of VSC policy and is prohibited.

**Domestic Violence:** “A felony or misdemeanor crime of violence committed—

- (A) By a current or former spouse or intimate partner of the victim;
- (B) By a person with whom the victim shares a child in common;
- (C) By a person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner;
- (D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- (E) By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.”<sup>3</sup>

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting. It is also a violation of VSC policy and is prohibited.

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<sup>2</sup> 34 C.F.R. § 668.46(a).

<sup>3</sup> 34 C.F.R. § 668.46(a).

Examples of **domestic violence and dating violence** behaviors or activities directed against a family member, a household member, or a person one is dating or has dated include, but are not limited to: (1) violence or threats of violence (even in the absence of bodily injury); (2) negligent or reckless use of physical force; (3) conduct that may reasonably be expected to exploit or coerce another; (4) restraint; (5) prevention of another's ability to communicate or move freely by the use of threats, intimidation, abuse or physical force; (6) unauthorized entry and, specifically, uninvited threatening presence in another's room or office; and (7) other conduct intended to intimidate, manipulate, humiliate, terrorize, or isolate the other person. Domestic violence and dating violence can be a single act or a pattern of behavior in a relationship. Engaging in such behaviors or activities is a violation of VSC policy and is prohibited.

**Sexual Assault:** "An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program[.]"<sup>4</sup> The Federal Bureau of Investigation's Uniform Crime Reporting Program defines these offenses as follows:

**Rape:** "The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim."<sup>5</sup>

**Sex Offenses:** "Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

A. *Fondling*—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

B. *Incest*—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

C. *Statutory Rape*—Sexual intercourse with a person who is under the statutory age of consent."<sup>6</sup>

Sexual assault can be committed by any person against another person, regardless of gender, gender identity, sexual orientation, or past or current relationship status. Sexual assault may occur with or without physical resistance or violence.

Any incident meeting one or more of these definitions is considered a crime for the purposes of Clery Act reporting. It is also a violation of VSC policy and is prohibited.

**Stalking:** "(i) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

(A) Fear for the person's safety or the safety of others; or

(B) Suffer substantial emotional distress.

(ii) For purposes of this definition—

(A) *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

(B) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.

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<sup>4</sup> 34 C.F.R. § 668.46(a).

<sup>5</sup> Appendix A to Subpart D of 34 C.F.R. Part 668.

<sup>6</sup> Appendix A to Subpart D of 34 C.F.R. Part 668.

(C) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.”<sup>7</sup>

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting. It is also a violation of VSC policy and is prohibited.

Examples of **stalking** behaviors or activities, when conducted in connection with the above definition, include, but are not limited to: (1) non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, text messages, written letters, gifts, or any other communications that are unwelcome; (2) use of online, electronic or digital technologies, such as posting pictures or text in chat rooms or on websites, sending unwanted or unsolicited e-mail or talk requests, posting private or public messages on Internet sites, social networks, and/or school bulletin boards, installing spyware on a person’s computer, or using Global Positioning Systems (GPS) or similar technology to monitor a person; (3) pursuing, following, waiting for, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the person; (4) surveillance or other types of observation, including staring and voyeurism; (5) trespassing; (6) vandalism; (7) non-consensual touching; (8) direct verbal or physical threats against a person or a person’s family member, pet or personal property; (9) gathering information about a person from friends, family, or co-workers; (10) accessing private information through unauthorized means; (11) threats to harm self or others; (12) defamation and/or lying to others about the person; and (13) using a third party or parties to accomplish any of the above. Engaging in such stalking behaviors or activities is a violation of VSC policy and is prohibited.

## **B. Additional Definitions Applicable to This Policy**

**Coercion:** The act of compelling or forcing someone to act based on pressure, harassment, threats, or intimidation.

**Consent:** For purposes of this policy, effective consent means words or actions that demonstrate to a reasonable person a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Effective consent cannot be gained by threat, force, coercion or intimidation or by ignoring words or actions that indicate a lack of consent or objection to the activity. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent can be rescinded at any time. It is the responsibility of the person who wants to engage in the sexual activity to ensure that he or she has effective consent from any other person involved. Silence, lack of protest, or lack of resistance are not sufficient standing alone to establish consent. The actions of the individuals involved and the context in which those actions occurred will be considered in determining whether or not there was consent. The existence of a dating relationship or a past sexual relationship between the persons involved is not a sufficient basis to assume consent. Past consent between two individuals does not imply present or future consent to sexual activity.

Consent is not valid when a person is incapable of giving consent: (1) due to the person’s use or consumption of drugs or alcohol; (2) when intimidation, threats, physical force, or other actions that are coercive are applied; (3) when a physical or mental condition is present such that the person cannot knowingly or voluntarily give consent; or (4) when a person is under the age of 16.

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<sup>7</sup> 34 C.F.R. § 668.46(a).

Alcohol-related incapacity results from a level of alcohol ingestion that is more severe than mere impairment, being under the influence, drunkenness or intoxication. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation. The question of incapacitation is determined on a case-by-case basis using both objective and subjective standards and includes an analysis of the objective behaviors of the person alleging sexual misconduct and whether the accused person knew or reasonably should have known that the person was incapacitated, or if the accused person played a role in creating the circumstances of incapacity. Whether the accused person knew or reasonably should have known the other person was incapacitated will be assessed in light of all relevant circumstances. Objective physical indications of incapacity include slurred speech, difficulty walking or standing, vomiting, and losing consciousness.

The use of alcohol or other drugs does not make a victim at fault for sexual misconduct. The use of alcohol or other drugs does not minimize or excuse a person's responsibility for committing sexual misconduct. Nor does the use of alcohol or other drugs minimize or excuse a person's responsibility for determining whether another person is capable of giving consent, as described above.

**Retaliation:** Retaliation against any person for reporting, supporting a victim, or providing information in connection with a complaint of sexual misconduct, domestic violence, dating violence, and stalking includes, but is not limited to: (1) pressuring a person to drop or not support a complaint; (2) encouraging a person to provide false and misleading information; (3) engaging in conduct that may reasonably be perceived to affect adversely that person's educational, living or work environment; (4) threatening, intimidating or coercing the person; or (5) otherwise discriminating against any person for exercising their rights and responsibilities under this policy. Depending on the particular circumstances, retaliation may also be unlawful.

Retaliation as defined here violates VSC policy and is prohibited.

**Sexual Misconduct:** Any non-consensual act of a sexual nature, which may or may not involve physical contact. Sexual misconduct may vary in severity and includes a range of behaviors and attempted behaviors, including, but not limited to sexual harassment as defined in Policy 311, *Non-Discrimination and Prevention of Harassment and Related Unprofessional Conduct*.<sup>8</sup> Sexual misconduct includes sexual assault (as defined above) and also includes unwelcome sexual conduct that does not constitute sexual assault but is sexually violating in nature, such as nonconsensual physical contact of a sexual nature including, but not limited to, intentional contact of a sexual nature with the breasts, buttocks, groin, or mouth or contact of a sexual nature with any other body parts.

Sexual misconduct also includes sexually exploitative behavior and attempted sexually exploitative behavior. Examples of sexually exploitative behavior include, but are not limited to: (1) prostituting another person; (2) recording or capturing (through any means) images or audio of another person's sexual activity, intimate body parts, or nudity without that person's consent, and/or sharing this material without the other person's consent; (3) viewing or allowing or aiding others to view another person's sexual activity, intimate body parts, or nudity without the person's consent; and (4) sexual exhibitionism or exposure of one's genitalia in the presence of others without their consent.

Exception: The VSC's prohibition of sexual exploitation is not intended to prohibit the use of sexually-explicit materials that are reasonably related to the VSC's academic mission. Specifically, this section is not intended to proscribe or inhibit

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<sup>8</sup> Conduct that violates both Policy 311 and this Policy may be addressed under either policy.

the use of sexually-explicit materials, in or out of the classroom, when in the judgment of a reasonable person the use of such materials appropriately promotes genuine discourse, inquiry and learning.

Sexual misconduct as defined here violates VSC policy and is prohibited.

## **IX. PROCEDURES**

The Chancellor shall establish and periodically update the procedures for handling complaints of sexual misconduct, domestic violence, dating violence, sexual assault, and stalking to ensure that the process is prompt, fair and impartial. Officials who are responsible for investigating and adjudicating complaints under this policy shall receive annual training relevant to their specific duties and responsibilities on how to conduct investigations involving sexual misconduct, domestic violence, dating violence, sexual assault, and stalking, and the adjudication process so as to protect the safety of victims and promote accountability. The procedures shall identify the persons responsible for overseeing the development of prevention and awareness programs at each of the member Universities and the Office of the Chancellor. The procedures shall outline the steps available to victims of misconduct prohibited by this policy and describe the procedures for reporting, investigating and adjudicating incidents of such misconduct. The procedures shall contain the definitions of dating violence, domestic violence, sexual assault, stalking, and consent under the criminal laws of Vermont.

The standard of proof applicable in investigating and adjudicating complaints under this policy shall be “by a preponderance of the evidence,” meaning that it is more likely than not (*i.e.* there is more than a 50% likelihood) that the alleged actions or behavior in violation of the policy occurred.

The procedures established by the Chancellor may be modified as necessary to comply with federal and state law so that the VSC may respond promptly and effectively to incidents of sexual misconduct, domestic violence, dating violence, sexual assault, and stalking.

## **X. DUTY TO COOPERATE**

All students and employees have a duty to cooperate in investigations undertaken pursuant to this policy and are expected to provide complete, accurate, and truthful information. They may be asked to sign statements or other documents memorializing the information they provide, and may be asked to keep the substance of any interview confidential. Failure to cooperate fully with the investigation may subject the individual to the full range of disciplinary actions, up to and including expulsion or termination.

All actions taken to investigate and resolve complaints pursuant to this policy shall be conducted with as much privacy, discretion and confidentiality as possible without compromising the thoroughness and fairness of the investigation. All persons involved are expected to treat the situation under investigation with respect. To conduct a thorough investigation, the investigator(s) may discuss the complaint with witnesses and those persons involved in or affected by the complaint, and those persons necessary to assist in the investigation or to implement appropriate disciplinary actions. Nothing herein shall be deemed to limit the procedural rights of unionized and other employees with regard to such investigations.

## **XI. SANCTIONS**

Violation of the prohibitions set forth in this policy is grounds for discipline up to and including the dismissal/expulsion of students or the termination of employees. Generally, the range of sanctions for **students** includes verbal and written warnings, written reprimands, counseling, loss of privileges, probationary status, removal from University housing, suspension, dismissal/expulsion, revocation of degree, and/or withholding of transcript or other action determined to be appropriate under the circumstances. Generally, the range of sanctions for **employees** includes verbal warnings, written warnings, written reprimands, probation, suspension, termination of employment, non-renewal of a contract, or other action determined to be appropriate under the circumstances.

The VSC may also impose certain non-disciplinary remedial actions where appropriate, such as required counseling or training for the respondent and/or a group of students or employees, to stop the misconduct, prevent its recurrence, and remedy its effects. Additional non-disciplinary outcomes, such as extending and modifying no contact orders, room changes, class changes, work schedule changes, building restrictions, and extracurricular activity restrictions may also be imposed, regardless of the finding, to maintain an environment free from sexual misconduct, dating violence, domestic violence, sexual assault, sexual misconduct, and stalking.

## **XII. OTHER POLICY VIOLATIONS**

The VSC's primary goals in responding to complaints of sexual misconduct, domestic violence, dating violence, sexual assault, and stalking are to promote the safety of the VSC community, to address the misconduct, and to prevent it from recurring. A person (whether a victim of misconduct under this policy or someone with knowledge of such an incident) should not be deterred from reporting a violation of this policy because alcohol, drugs, or other violations of VSC's policies were involved in the incident. VSC officials may, in their discretion and on a case-by-case basis, decide not to pursue relatively minor drug, alcohol or other policy violations related to incidents of misconduct under this policy or, if they do pursue such violations, to handle them separately from complaints brought under this policy.

Misconduct that does not meet the definition of sexual misconduct, domestic violence, dating violence, sexual assault, or stalking may violate other VSC policies, student handbooks, codes of conduct, or collective bargaining agreements and, if so, shall be handled as set forth in such other documents. Where related misconduct involves a combination of elements of alleged sexual assault, domestic violence, dating violence, sexual assault, or stalking and other types of sexual misconduct, it will be handled under the procedures adopted in connection with this policy.

### **Relevant Legal Authorities**

- 20 U.S.C. § 1681 *et seq.*, Title IX of the Higher Education Amendments of 1972
- 34 C.F.R. Part 106 (Title IX regulations)
- 20 U.S.C. § 1092(f), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Section 485(f) of the Higher Education Act of 1965 (as amended)
- 34 C.F.R. § 668.46 (Clery Act regulations)
- 42 U.S.C. § 13925(a)(20), Violence Against Women Act of 1994 (as amended) (definition of personally identifying information)
- 20 U.S.C. § 1232g, the Family Educational Rights and Privacy Act of 1974 (FERPA)
- 34 C.F.R. Part 99 (FERPA regulations)
- 13 V.S.A. § 3251(3), Sexual Assault - Definitions

- 13 V.S.A. § 3252, Sexual Assault
- 13 V.S.A. § 1042, Domestic Assault
- 15 V.S.A. § 1101(2), Domestic Relations, Abuse Prevention - Definitions
- 13 V.S.A. § 1061, Stalking – Definitions
- 16 V.S.A. § 178, Harassment and Hazing Prevention Policies; Postsecondary Schools
- 16 V.S.A. § 14, Harassment; Notice and Response
- 16 V.S.A. § 11(a)(26), Classifications and Definitions, Harassment

#### **Additional Resources**

- United States Department of Education Office for Civil Rights, *Questions and Answers on Title IX and Sexual Violence*, issued April 29, 2014 (<http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>)
- United States Department of Education Office for Civil Rights, *Dear Colleague Letter*, issued April 4, 2011 (<http://www.title9.us/wp-content/uploads/2014/03/colleague-201104.pdf>)
- United States Department of Education Office for Civil Rights, *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, issued January 19, 2001 (<http://www2.ed.gov/about/offices/list/ocr/docs/shguide.html>)
- United States Department of Education’s *Handbook for Campus Safety and Security Reporting* (2011) (<http://www2.ed.gov/admins/lead/safety/handbook.pdf>)
- White House Task Force to Protect Students from Sexual Assault, *Not Alone*, issued April 29, 2014 ([http://www.whitehouse.gov/sites/default/files/docs/report\\_0.pdf](http://www.whitehouse.gov/sites/default/files/docs/report_0.pdf))

#### **Cross References**

- VSC Policy 311, *Non-Discrimination and Prevention of Harassment and Related Unprofessional Conduct*
- *Chancellor’s Procedures for Implementation of Policy 311-A: Sexual Misconduct, Domestic Violence, Dating Violence, Sexual Assault, and Stalking*

# CHANCELLOR’S PROCEDURES FOR IMPLEMENTATION OF POLICY 311-A: SEXUAL MISCONDUCT, DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

## I. INTRODUCTION

The following procedures outline the steps available to individuals who may have been subjected to sexual misconduct, domestic violence, dating violence, sexual assault, or stalking, as defined in Policy 311-A, and describe the institutional procedures for handling complaints involving such misconduct. These procedures incorporate by reference the terms and conditions of Policy 311-A, *Sexual Misconduct, Domestic Violence, Dating Violence, Sexual Assault, and Stalking*, and are to be read consistently with the requirements of any state or federal laws and regulations, any collective bargaining agreement, and any personnel handbook governing the rights and responsibilities of the Vermont State Colleges (“VSC”), its member Colleges and its employees. These procedures may be modified as necessary to comply with federal and state law and to respond promptly and effectively to incidents of sexual misconduct, domestic violence, dating violence, sexual assault, and stalking. If there is any conflict between these Procedures and federal or state law, these Procedures are to be interpreted consistent with applicable federal or state law.

## II. DEFINITIONS

The definitions set forth in Policy 311-A are incorporated here by reference. The following additional definitions apply to these procedures.

**“Complainant”** means a person who files a complaint alleging that she or he has been subjected to conduct that violates Policy 311-A.

**“Dean of Students”** means the Dean of Students at a member College or any person carrying out that function, however named.

**“Designated contact person”** means those persons designated by the Office of the Chancellor and the member Colleges to advise individuals with questions about Policy 311-A, to provide information about available resources for victims, to assist in the reporting of an incident that may constitute a violation of Policy 311-A, and to explain the process for filing a complaint. The names of the designated contact persons at each institution shall be published online and made available at the office of the Dean of Students and the office of the Human Resources Administrator for each member College, as well as the office of the Director of Human Resources at the Office of the Chancellor.

**“Employee”** means all VSC employees, including student employees, such as Resident Advisors and work study students (within their capacity as work study students).

**“Parties”** means the complainant and the respondent.

**“Respondent”** means a person against whom a complaint has been filed alleging that the person’s conduct violated Policy 311-A.

**“Responsible College Administrator” or “RCA”** means (1) the President or Dean of Students from the member College where the violation allegedly occurred; (2) the Director of Human Resources at the Office of the Chancellor, if the violation allegedly occurred at the Office of the Chancellor; (3) the Chancellor, if the VSC Director of Human Resources or a President allegedly violated Policy 311-A; (4) the Chair of the Board of Trustees, if the Chancellor allegedly violated Policy 311-A; and (5) any designee of the aforementioned.

**“Third Parties”** means individuals who are neither students nor employees, such as visitors, parents, vendors, and independent contractors.

**“Title IX Coordinator”** means the administrator at each College selected by the President, and the person at the Office of the Chancellor selected by the Chancellor, to serve as Title IX Coordinator for the purposes of coordinating the VSC’s efforts to comply with and carry out its responsibilities under Title IX, as well as any designee of the Title IX Coordinator. For the purposes of Policy 311-A, the Title IX Coordinator’s responsibilities include overseeing the process for handling all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints. The Title IX Coordinator prepares annual reports on the nature and outcome of complaints at the institution, which are to be used for satisfying any VSC or member College legal reporting requirements and for planning and assessing progress toward the goal of preventing sexual misconduct. Contact information for the Title IX Coordinators is located in **Appendix A** to these Procedures.

**“VSC”** and **“Colleges”** refer collectively to the Vermont State Colleges and its individual member institutions: Castleton University, Community College of Vermont, Northern Vermont University, and Vermont Technical College, however named or configured.

### **III. CONTACT INFORMATION**

Any person (including students, employees, and third parties) who believes that she or he is the victim of sexual misconduct, domestic violence, dating violence, sexual assault, or stalking, or who has information about such an incident, may seek advice or information from the Title IX Coordinator, designated contact persons, or Responsible College Administrators. Victims of conduct prohibited by Policy 311-A have the option

to notify law enforcement, to be assisted by VSC officials in notifying law enforcement, or to decline to notify law enforcement.

The VSC encourages all members of the VSC community affected by sexual misconduct, domestic violence, dating violence, sexual assault, or stalking to seek immediate assistance. Seeking prompt assistance is important to ensure a person's physical safety, to obtain medical care or other support, and to preserve evidence for any legal or disciplinary action. Preservation of evidence is important even if an individual initially chooses not to pursue a complaint, criminal charge or protective order, because the individual may decide to do so at a later time.

Contact information for: (1) trained campus and community advocates and counselors who can provide an immediate confidential response in a crisis situation; and (2) Public Safety, state and local law enforcement, and other first responders, shall be published on VSC websites and made available at the offices of the Chancellor, President, Dean of Students, Human Resources, Public Safety, and counseling/student health center.

#### **IV. SUPPORT AND ASSISTANCE**

##### **(A) Court Orders**

The VSC is committed to ensuring the safety and well-being of individuals who are being or who may have been subjected to sexual misconduct, domestic violence, dating violence, sexual assault, or stalking. Such individuals may have the right to obtain orders of protection, restraining orders and/or relief from abuse orders from Vermont courts. Upon request, the VSC will assist individuals in making contact with law enforcement authorities and other external resources to seek such orders. This assistance is available regardless of whether an individual chooses to file a complaint with the VSC.

##### **(B) Protective Measures**

Sometimes it may be necessary to take steps to protect the rights and interests of an individual before or during an investigation so that the individual feels safe in his or her work or educational environment. Upon request, the Title IX Coordinator, with the assistance of other VSC officials as appropriate, will provide victims of sexual misconduct, domestic violence, dating violence, sexual assault, or stalking with changes to academic, transportation, working and/or living situations or other protective measures, if reasonably available. Individuals do not have to file a formal complaint, participate in a disciplinary process, or file a criminal complaint in order to request such help from the VSC. The VSC will take reasonable steps to maintain as confidential any accommodations or protective measures provided, to the extent that maintaining such confidentiality does not impair the VSC's ability to provide the accommodations or protective measures. Examples of possible measures that may be taken prior to the final outcome of any disciplinary process or

criminal charge, include: changing academic or work schedules; permitting students to withdraw from or retake a class without penalty; leaves of absence; facilitating access to academic support services; changing residence hall assignments; providing written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims at the member College and/or in the community; issuing no contact and no trespassing orders; and increasing security. Factors that may be considered include, but are not limited to, the following: the specific need expressed by the requesting individual; the age and position of the individuals involved; the severity or pervasiveness of the alleged conduct; any continuing effects on the requesting individual; whether the individuals involved share the same residence hall, dining hall, classes, transportation or job location; and, whether any judicial measures, such as court orders, have been taken to protect the requesting individual.

Interim measures may be offered as appropriate to the respondent, as well as to the complainant. Assessment of a party's need to receive an interim measure will generally be made on an individualized basis, as appropriate, based on the information gathered by the Title IX Coordinator. The measures needed by each party may change over time and the Title IX Coordinator should communicate with the parties to evaluate whether the measures provided are necessary and effective based on the parties' evolving needs.

Any measure taken should seek to minimize the burden on the victim while respecting the due process rights of the person accused of engaging in the prohibited conduct. The imposition of any of these measures does not indicate a presumption of guilt, nor does it preclude subsequent disciplinary action. A no contact order in and of itself does not constitute discipline and will not appear in an employee's personnel file or on a student's disciplinary record, but refusal to comply with a no contact order (or other protective measure) is a violation of policy and may result in disciplinary action. A no trespass notice prohibits the presence of an individual in a designated area. Such notices are legally enforceable and, if violated, may lead to arrest.

### **(C) Interim Suspension**

If the VSC has reasonable cause to believe that a student accused of violating Policy 311-A poses a substantial threat to him or herself, the alleged victim, other people, property, or the continuance of normal VSC operations, the VSC may suspend the student for an interim period, pending the outcome of the disciplinary process. Careful consideration should be given to alternative interim measures, such as changing class schedules, changing residence hall assignments, and issuing no contact orders or building access restrictions, before imposing an interim suspension, so as to avoid depriving a student of his or her education where possible.

An interim suspension may not be imposed without prior notice to the student (either written or oral) of the contemplated suspension and the factual basis for it. The student shall have forty-eight hours in which to submit a letter to or appear personally before the Dean of Students (or the Dean's designee) to contest the interim suspension. The Dean of Students (or the Dean's designee) shall consider: (1) the reliability of the identification of the student; and (2) whether the alleged conduct, if true, based on the surrounding

circumstances, reasonably indicates that the continued presence of the student on campus poses a substantial threat to him or herself, the alleged victim, other people, property, or the normal operations of the VSC. The Dean (or the Dean's designee) may require the student to meet certain conditions in lieu of an interim suspension. Unless the Dean of Students (or the Dean's designee) determines that it would be unreasonably difficult or dangerous to delay the interim suspension, the student shall have the opportunity to be heard in person or in writing before the interim suspension takes effect.

**V. REPORTING SEXUAL MISCONDUCT, DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**

**(A) Report by Victims or Others with Information**

Any person (including students, employees, and third parties) who believes that she or he is the victim of sexual misconduct, domestic violence, dating violence, sexual assault, or stalking, or who has information about an alleged incident, may report the incident to the Title IX Coordinator, a designated contact person, a Responsible College Administrator, Public Safety, or Human Resources.

Individuals with a disability may request accommodations to ensure their full and equal participation in reporting incidents of sexual misconduct, domestic violence, dating violence, sexual assault, or stalking, as well as the investigatory and adjudicatory process under this policy. Requests for accommodations in the Policy 311-A process are determined on an individual basis by the Title IX Coordinator, in consultation with the ADA/Section 504 Coordinator as appropriate.

**(B) Reporting Obligations of Employees**

Except in circumstances where an employee is acting within the scope of his or her role as a specifically-designated confidential resource, employees who are aware or have been made aware of an incident of sexual misconduct, domestic violence, dating violence, sexual assault, or stalking are required to report this information to one of the following: the Title IX Coordinator, the Dean of Students, the President, or, if the employee works in the Office of the Chancellor, to the Director of Human Resources.

Employees are not expected to and should not investigate alleged incidents, unless this is part of their job duties or they are assigned to investigate a complaint made under this policy. The report should include all known relevant details, including a description of the alleged incident, the names of anyone involved or present, the date, time, and location.

Failure by an employee to report a complaint or alleged acts of sexual misconduct, domestic violence, dating violence, sexual assault, or stalking is considered a violation of policy and may result in disciplinary action. The

procedures and mutual obligations of the VSC and the employee under any collective bargaining agreement, or the VSC personnel handbook, will apply to any such disciplinary action.

**(C) Reporting to Law Enforcement Agencies**

The VSC encourages accurate and prompt reporting of all crimes to Public Safety and/or to state and local enforcement, when the victim of a crime elects to make a report, as well as when the victim is unable to make a report due to physical or mental incapacity. Definitions of consent and the crimes of dating violence, domestic violence, sexual assault, and stalking under Vermont law are set forth in **Exhibit B** to these Procedures. Contact information for Vermont’s Special Investigation Units, by county, is set forth in **Exhibit C** to these Procedures. Additional contact information for local law enforcement agencies shall be published on VSC websites and made available at the offices of the Chancellor, President, the Dean of Students, Human Resources, Public Safety, and any campus counseling/health center.

The VSC will not wait for the conclusion of a criminal investigation or proceeding to process complaints or begin its own investigation under this policy. The VSC will, however, comply with valid requests by law enforcement for cooperation in a criminal investigation and may, if so requested, temporarily delay an investigation while law enforcement initially gathers evidence.

In certain circumstances, the VSC may need to report an incident of sexual misconduct, domestic violence, dating violence, sexual assault, or stalking to law enforcement, such as where the incident warrants undertaking safety and security measures for the protection of an individual and/or the VSC community, including those situations where there is clear and imminent danger and/or where a weapon may be involved. The alleged victim may choose whether to assist law enforcement.

**VI. FILING A FORMAL SEXUAL MISCONDUCT, DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING COMPLAINT<sup>9</sup>**

**(A) Complaints against Students**

A formal complaint of sexual misconduct, domestic violence, dating violence, sexual assault, or stalking by a student shall be filed with the Title IX Coordinator.

**(B) Complaints against Employees**

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<sup>9</sup> The parties may voluntarily agree to participate in an informal resolution that does not involve a full investigation and adjudication, if all parties consent after receiving a full disclosure of the allegations and their options for formal resolution, and if the VSC determines that the particular complaint is appropriate for informal resolution. The informal resolution process set forth in the *Chancellor’s Procedures for Implementation of Policy 311: Non-Discrimination and Prevention for Harassment and Related Unprofessional Conduct*, may be used. The matter would continue to be classified as one arising under Policy 311-A and to be handled by the Title IX Coordinator.

A formal complaint of sexual misconduct, domestic violence, dating violence, sexual assault, or stalking by an employee shall be filed with the Title IX Coordinator. A complaint against a Title IX Coordinator shall be filed with the President of the College, who will designate an alternate contact person. A complaint against a President shall be filed with the Chancellor, who will designate an alternate contact person. A formal complaint against an employee in the Office of the Chancellor shall be filed with the VSC Director of Human Resources (or the Director's designee). A complaint against the VSC Director of Human Resources shall be filed with the Chancellor, who will designate an alternate contact person. A formal complaint of such misconduct against the Chancellor shall be filed with the Chair of the Board of Trustees.

Respondents who are represented by a union may exercise their rights, pursuant to federal and state labor law, through this adjudicatory process, including, but not limited to, the right to have a union representative present for any interview or meeting.

### **(C) Complaints against Third Parties**

A formal complaint of sexual misconduct, domestic violence, dating violence, sexual assault, or stalking committed by a third party shall be filed with the Title IX Coordinator. The VSC's ability to take disciplinary action against a third party may be limited, depending on the particular circumstances, but may include banning the third party from campus.

### **(D) Complaints brought by the VSC**

The VSC may investigate and pursue disciplinary action against a respondent whose conduct allegedly violates Policy 311-A even if the alleged victim chooses not to file a formal complaint. If this occurs, the VSC will follow the procedures set forth below to the extent reasonably possible.

### **(E) Written Complaint**

After an initial discussion, the complainant will be asked to prepare a written statement describing the alleged conduct. The statement should include information such as the date and time of the alleged misconduct, the name of the respondent, the circumstances surrounding the alleged conduct, and the identity of any person who may have knowledge or information about the conduct. The complainant may designate a previously-prepared statement (such as an e-mail, an affidavit, or a statement provided to law enforcement) as the complainant's statement. The Title IX Coordinator may draft a statement, based upon the complainant's verbal description of the alleged conduct, for the complainant's review and approval. Complainant's statement may be provided to respondent, at the investigators' discretion, during the course of the

investigation but will be provided, in any event, no later than the release of the investigators' report to the parties.

**(F) Preliminary Evaluation**

The Title IX Coordinator shall review the complainant's written statement to determine whether the allegations, if true, would constitute a violation of Policy 311-A. If the alleged actions of the respondent would be a violation of the policy, the procedures set forth below will be followed. If the alleged actions of the respondent would not be a violation of the policy, the Title IX Coordinator will consider whether the alleged actions would otherwise subject the respondent to discipline. If so, the procedures applicable for handling such other alleged offenses will be followed. The Title IX Coordinator shall take no further action, other than to inform the complainant, if the alleged actions of the respondent as set forth in the written statement, if true, would not constitute an offense subject to discipline.

**(G) Notice to Respondent**

If the complaint is not dismissed following the preliminary evaluation, the Title IX Coordinator shall inform the respondent, in writing, of the alleged policy violation(s) and provide a summary of complainant's allegations. The notice typically includes the identities of the parties involved, the specific section(s) of Policy 311-A and any other policy that has allegedly been violated, a description of the conduct allegedly constituting the potential violation, and the date and location of the alleged violation. The respondent should also be given a physical copy of and/or the website links to Policy 311-A and its implementing procedures, as well as information on existing counseling, health and mental health services available on campus and/or in the community. The respondent shall be notified that taking any retaliatory action (directly or through others) against any person involved in the investigation is prohibited and will be considered a separate violation of VSC policy. Copies of the written notice to the respondent shall be provided to the complainant, the Title IX Coordinator, the investigators, and VSC's general counsel.

**(H) Acceptance of Responsibility**

If at any point during the investigation, a respondent chooses to accept responsibility under this policy, the RCA may issue a determination and impose disciplinary sanctions upon the respondent in accordance with Article VIII below. The RCA may also take other action that is reasonably calculated to address the conduct and prevent its recurrence, including further investigation of the allegations. By accepting responsibility and the imposition of any assigned disciplinary sanction, the respondent waives the right to appeal.

**VII. THE INVESTIGATION**

**(A) Appointing Investigators**

The Title IX Coordinator shall appoint two impartial, qualified, and trained investigators to investigate complaints alleging violations of this policy. Investigators may be employees of the member College, other VSC employees, or outside investigators.

The complainant or respondent may raise an objection to the selection of a particular investigator if either believes there is a conflict of interest or demonstrable or reasonably perceived bias on the part of the investigator. Any such objections must be raised upon receipt of notice of the appointments. The RCA shall have final authority in the appointment of investigators.

## **(B) Conducting the investigation**

The investigators shall conduct an investigation that is prompt, fair, impartial, and appropriate under the circumstances. The nature and scope of the investigation is within the discretion of the investigators.

### **(1) Witnesses and Evidence**

The investigators will interview the complainant, respondent, and any witnesses separately. The complainant and respondent will be asked to identify: (a) relevant evidence they would like the investigators to review; (b) witnesses they would like the investigators to interview; and (c) questions they would like the investigators to ask the witnesses. The investigators have discretion as to what evidence to pursue, which witnesses to interview, and which questions to ask, depending on their determination of what they reasonably believe to be related to the issues in dispute. The investigators may, in their discretion, share the written statements of the parties and witnesses with the complainant and/or respondent at any time during the course of the investigation but, in any event, shall share such statements no later than the release of the investigators' report to the parties.

### **(2) Cross-Examination**

The parties are not permitted to question or cross-examine each other during the course of the investigation but, if they wish, may provide a list of questions they would like the investigators to ask the other party. The investigators have discretion as to whether to ask such questions precisely as posed, to reframe the questions, or to not ask the questions, depending on their determination of what questions would reasonably lead to the discovery of relevant information. Questions about the complainant's sexual history with anyone other than the respondent shall not be permitted.

### **(3) Advisors**

Complainants and respondents are entitled to the same opportunity to have an advisor of their choosing present at any interview or meeting they have with investigators.<sup>10</sup> Any such advisor may

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<sup>10</sup> Parties should avoid choosing an advisor who may have relevant information and be interviewed as part of the investigation. A party may change advisors during the course of the investigatory and adjudicatory process. A party may

advise the complainant or respondent privately, but cannot act as a speaking advocate. An investigator may terminate the meeting and proceed with the investigation based on otherwise-available information if an advisor refuses to comply with these requirements. Because a Policy 311-A investigation may lead to discipline, a respondent who is a bargaining unit member has the right to be accompanied to the interview by a union representative.

#### **(4) Additional Policy Violations**

If, in the course of the investigation, other allegations against the respondent surface which could result in discipline under this policy, other VSC policies, policies of the member College, any collective bargaining agreement, or personnel handbook, the investigators will inform the respondent, in writing, of such allegations and the respondent will be given an opportunity to respond to the additional allegations before the investigators submit their report. If the alleged additional violations are unrelated to the allegations contained in the complaint, the VSC may choose to address these separately and not as part of the ongoing investigatory and adjudicatory process.

### **(C) Investigators' Report**

At the conclusion of their investigation, the investigators shall prepare a report setting forth their findings and recommendations.

#### **(1) Standard**

The findings and recommendations will be reached by applying the preponderance of evidence standard, *i.e.*, whether it is more likely than not that the policy was violated.

#### **(2) The Report**

The report shall include:

- A statement summarizing the allegations;
- A procedural summary, including the date the investigators were appointed, the names of the witnesses<sup>11</sup> and dates when each was interviewed, and a list of the documents reviewed;
- Applicable definitions, including the definition of the alleged violation(s) of Policy 311-A;
- A summary of the relevant exculpatory and inculpatory evidence;

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request that the Title IX Coordinator and/or the investigators copy their advisor on communications with the party. Typically each party may have only one advisor present at an interview or meeting, however, in extenuating circumstances, the Title IX Coordinator may grant a party's request for permission to have an additional advisor or support person attend a meeting or interview during the investigatory and adjudicatory process.

<sup>11</sup> The names of witnesses are typically redacted from the report. A key as to the identity of the witnesses may be obtained by the parties from the investigators.

- The investigators' findings of fact, including how they weighted the evidence and reconciled any significant discrepancies in the statements of witnesses;
- The conclusion, in which the investigators explain how the findings of fact are applied to the standards set forth in Policy 311-A to reach a determination as to whether the policy was violated; and
- Any general recommendations for consideration by the RCA, such as trainings, education, or other actions that may reduce/eliminate prohibited misconduct in the future. Unless specifically requested to do so by the RCA, investigators will not make recommendations about possible sanctions.

### **(3) Time-frame**

The investigation will be conducted as promptly as possible, without compromising thoroughness. The investigators will endeavor to prepare their report within forty-five (45) calendar days from their appointment to serve as investigators, excluding scheduled breaks during the fall and spring semesters. This timeframe may be extended for good cause with written notice to the parties of the delay and the reason(s) for the delay.

### **(4) Parties' Response**

Typically, the investigators shall send the report to the complainant and respondent, with a copy to the Title IX Coordinator but, if warranted by the specific circumstances, the Title IX Coordinator (after consultation with the investigators) may share the report with the parties. To the extent reasonably possible, the parties shall be provided with the report simultaneously. Certain identifying information may be redacted from the materials provided to the complainant and respondent, if necessary, to comply with the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. § 1232g. The parties will each have the opportunity to review the investigators' report and to provide a written response to the report to the investigators within seven (7) calendar days.

### **(5) Submission of Report**

The investigators will send the final report, along with copies of any written responses to the Title IX Coordinator. The Title IX Coordinator will forward the final report (plus any responses, supplements, and attachments) to the RCA, with copies to the VSC's general counsel, the complainant, and the respondent.

## **VIII. DETERMINATION AND SANCTIONS**

**(A) Student Respondents**

**(1) Determination**

The RCA is not bound by the investigators' report and may accept or reject the investigators' recommended conclusion in whole or in part, or may request additional relevant information before making a final determination. The complainant and respondent may request to meet individually with the RCA before a final determination is made and may be accompanied by an advisor of their choosing. The advisor may confer privately with the individual but cannot act as a speaking advocate. The RCA may request to meet with either party or any other person(s) the RCA considers appropriate before making a final determination. The parties have seven (7) calendar days from the date the report is sent to the RCA to request a meeting with the RCA.

After conducting any such meetings and considering the investigators' report, any supplements to the report, and any additional relevant information, the RCA will issue a determination as to whether a violation of Policy 311-A (or a violation of other VSC policies, if applicable) occurred. The determination will be based on the preponderance of the evidence standard.

**(2) Disciplinary Action**

If the RCA determines that a student has engaged in conduct that violates this policy (or other VSC policies, if applicable), the RCA shall impose disciplinary sanctions on the student. The RCA shall consider what sanctions are: (1) fair and appropriate given the facts of the particular case, including whether the respondent has accepted responsibility for his or her actions, and the impact of separating a student from his or her education; (2) consistent with the sanctions imposed in similar cases; and (3) adequate to protect the safety of the complainant and the VSC community.

Possible disciplinary sanctions include verbal and written warnings, written reprimands, education, counseling, loss of privileges, probationary status, removal from College housing, suspension, dismissal/expulsion, revocation of degree, and/or withholding of transcript or other action determined to be appropriate under the circumstances. The sanctions of probation, removal from College housing, and suspension will be for a particular period of time, ranging from a number of days to a number of semesters, as determined on a case-by-case basis.

Regardless of the finding, other non-disciplinary action may be taken as appropriate under the circumstances, including but not limited to room changes, class changes, building restrictions, extracurricular activity restrictions, modification of no contact orders, and other actions to preserve the right of the complainant to a safe environment.

To the extent permitted by law, the complainant and respondent will be notified, simultaneously and in writing, of: (1) the RCA's determination; (2) the disciplinary sanctions, if any, to be imposed; and (3) the VSC's procedures for complainants and respondents to appeal the determination and disciplinary sanctions. The notification will include the rationale for the determination and for any sanctions. A copy of the RCA's determination shall be sent to the Title IX Coordinator and to VSC's general counsel.

### **(3) Time-frame**

Absent extenuating circumstances, the RCA will endeavor to issue a determination as to whether a violation of VSC's policies has occurred and the imposition of any sanctions (or other action) within fourteen (14) calendar days after receiving the investigators' report or within seven (7) calendar days of obtaining additional information or meeting with the parties, whichever is later. This period may be extended for good cause, with written notification to the parties, if, for example, the RCA determines that further information or investigation is needed.

## **(B) Employee Respondents**

### **(1) Determination**

The RCA is not bound by the investigators' report and may accept or reject the investigators' recommended conclusion in whole or in part, or may request additional relevant information before making a final determination.

Within seven (7) calendar days of receiving the investigators' report or any additional relevant information, whichever is later, the RCA shall notify the complainant and respondent, simultaneously and in writing, of the RCA's initial determination as to whether a violation of Policy 311-A (or a violation of any other policy, agreement or handbook, if applicable) occurred and shall outline the discipline, if any, being contemplated, to the extent permitted by law. The determination will be based on whether the RCA finds, by a preponderance of the evidence, that the respondent violated Policy 311-A (or other applicable VSC policies). The RCA shall consider what sanctions are: (1) fair and appropriate given the facts of the particular case, including whether the respondent has accepted responsibility for his or her actions; (2) consistent with the sanctions imposed in similar cases; and (3) adequate to protect the safety of the complainant and the VSC community.

The complainant and respondent may request to meet individually with the RCA, before a final determination is made, and may be accompanied by an advisor of their choosing. If the respondent is an employee who is covered by a collective bargaining agreement, the procedures and mutual obligations of the VSC and the employee regarding disciplinary action delineated in those agreements will apply.

## **(2) Disciplinary Action**

Within seven (7) calendar days of issuing the initial determination or meeting with the parties, whichever is later, the RCA shall notify the complainant and respondent, simultaneously and in writing, of the RCA's final determination as to whether a violation of Policy 311-A (or a violation of any other policy, agreement or handbook, if applicable) occurred and the disciplinary sanction(s) to be imposed, to the extent permitted by law. The RCA shall also notify the complainant and respondent, in writing, as to any right that the parties may have to appeal the determination and disciplinary action, pursuant to the relevant employee collective bargaining agreement or the VSC personnel handbook for those employees not covered by a collective bargaining agreement. A copy of the RCA's determination shall be sent to the Title IX Coordinator and to VSC's general counsel.

Disciplinary action under existing policies and/or contracts may include verbal warnings, written warnings, written reprimands, probation, suspension, termination of employment, non-renewal of a contract, or other action determined to be appropriate under the circumstances. The sanctions of probation and suspension will be for a particular period of time, ranging from a number of days to a number of semesters, as determined on a case-by-case basis.

Regardless of the finding, other non-disciplinary action may be taken as appropriate under the circumstances, including, but not limited to, extending and modifying no contact orders, room changes, class changes, work schedule changes, building restrictions, and other actions to preserve the rights of the complainant to a safe environment.

## **(3) Time-frame**

Absent extenuating circumstances, the RCA will endeavor to issue a final determination as to whether a violation of the VSC's policies has occurred and the imposition of any discipline (or other action) within the time frame set forth in (1) and (2) above, however this time period may be shorter or longer depending on the circumstances, including any contractual rights of the parties. The parties will be notified if changes are made to the time-frame. A copy of the RCA's determination shall be sent to the Title IX Coordinator and to VSC's general counsel.

## **IX. APPEAL**

### **(A) Student Respondents**

In cases where the respondent is a student, both the complainant and respondent have the right to appeal the outcome on the following grounds: (1) procedural error where the error prevented fundamental fairness; (2) the discovery of previously unavailable evidence that could significantly impact the outcome of the case; (3) the determination is arbitrary and capricious; or (4) the sanction is substantially disproportionate to the findings.

Within seven (7) calendar days of receiving the final determination and notification of any discipline or sanctions to be imposed, the parties may appeal to the President of the College (or the President's designee) by delivering a written statement of appeal to the President and to the Title IX Coordinator. The Title IX Coordinator will notify the other party of the appeal and the other party will be given seven (7) calendar days in which to submit a written response to the appeal to the President (or the President's designee), with a copy to the Title IX Coordinator. Both parties will be informed simultaneously and in writing, of (1) any change to the discipline and/or sanctions imposed while the appeal is pending, and (2) the final decision, to the extent permitted by law. The decision of the President (or the President's designee) is final. A copy of the President's decision shall be sent to the Title IX Coordinator and to VSC's general counsel.

### **(B) Employee Respondents**

In cases where the respondent is an employee, the respondent's right to appeal shall be governed by the relevant employee collective bargaining agreement or the VSC personnel handbook for those employees not covered by a collective bargaining agreement. The complainant may request to meet with the Chancellor. Both parties will be informed simultaneously and in writing, of (1) any change to the discipline and/or sanctions imposed while the appeal is pending, and (2) the final decision, to the extent permitted by law. A copy of the decision shall be sent to the Title IX Coordinator and to VSC's general counsel.

## **X. NOTICES**

For purposes of this policy, written notifications to the parties and written responses from the parties may be hand-delivered, mailed, and/or sent to or from the parties' official VSC e-mail addresses and/or other e-mail addresses if known to the VSC. The same method of communication will be used where practicable for both the complainant and the respondent.

## **XI. RECORD-KEEPING**

The Title IX Coordinator and designated College officials will treat reports of sexual misconduct, domestic violence, dating violence, sexual assault, or stalking and related complaints, investigative reports, and final determinations as confidential, to the extent allowed by law. The Title IX Coordinator will track these reports for statistical and reporting purposes.

## **XII. EDUCATIONAL PROGRAMMING**

The VSC will provide educational programming for students and employees addressing the issues of sexual misconduct, domestic violence, dating violence, sexual assault, and stalking, which will include: (1) primary prevention and awareness programs for incoming students and new employees; (2) safe and positive options for bystander intervention; (3) information on risk reduction to recognize warning signs of abusive behavior; and (4) ongoing prevention and awareness programs for students and employees. The VSC shall take the following steps:

- Include VSC Policy 311-A: *Sexual Misconduct, Domestic Violence, Dating Violence, Sexual Assault, and Stalking* and its implementing procedures on the VSC's Policies and Procedures page of its website (<http://www.vsc.edu/about-vsc/Pages/Policies-and-Procedures.aspx>) and on the websites of member Colleges;
- Include links to Policy 311-A and its implementing procedures in appropriate publications provided to students and employees;
- Provide educational materials on sexual misconduct, dating violence, domestic violence, sexual assault, stalking, and bystander intervention;
- Identify those individuals responsible for overseeing the development and implementation of prevention and awareness programs;
- Develop primary and ongoing prevention and awareness programs for students and employees;
- Select and train Title IX Coordinators;
- Select and train designated contact persons;
- Select and train investigators annually regarding the issues related to sexual misconduct, domestic violence, dating violence, sexual assault, and stalking, and how to conduct investigations that are prompt, fair, and impartial; and

- Train Responsible College Administrators annually and any others responsible for adjudicating complaints and considering appeals regarding the issues related to sexual misconduct, domestic violence, dating violence, sexual assault, and stalking, and how to conduct an adjudication process that is prompt, fair, and impartial.

The member Colleges and the Office of the Chancellor shall continue to support, monitor and revise the educational prevention and awareness programs and informational materials as they work toward the goals of eliminating sexual misconduct, domestic violence, dating violence, sexual assault, and stalking and of enhancing mutual trust and respect.

### **XIII. OTHER REMEDIES**

Individuals who believe that their rights under Title IX have been violated may file a claim with the United States Department of Education's Office for Civil Rights:

#### Regional Office

Office for Civil Rights  
8th Floor  
5 Post Office Square  
Boston, MA 02109-3921

Telephone: 617-289-0111  
FAX: 617-289-0150  
TDD: 800-877-8339  
Email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

#### National Headquarters

Office for Civil Rights  
Lyndon Baines Johnson Dep't of Education Bldg  
400 Maryland Avenue, SW  
Washington, DC 20202-1100

Telephone: 800-421-3481  
FAX: 202-453-6012  
TDD: 800-877-8339  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

Revised effective January 25, 2018.

**Appendix A to Chancellor's Procedures for Implementation of Policy 311-A:  
Sexual Misconduct, Domestic Violence, Dating Violence, Sexual Assault, and Stalking**

**TITLE IX COORDINATORS**

Office of the Chancellor:

**Nancy Shaw**, Title IX Coordinator  
Director of Human Resources  
575 Stone Cutters Way, Montpelier, VT 05602  
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(802) 224-3011

Castleton University:

**Janet Hazelton**, Title IX Coordinator  
Director of Human Resources  
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(802) 468-1207

**Victoria Angis**, Deputy Title IX Coordinator (Students)  
Associate Dean of Students  
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**Deanna Tyson**, Deputy Title IX Coordinator (Athletics)  
Associate Dean for Athletics and Recreation  
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Community College of Vermont:

**Angela Albeck**, Title IX Coordinator and Equity Officer\*  
Associate Dean of Students  
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(802) 654-0690

**Robert "Bo" Finnegan**, Deputy Title IX Coordinator  
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[Robert.Finnegan@ccv.edu](mailto:Robert.Finnegan@ccv.edu)  
(802) 828-2816

\*Designated contact persons for each CCV site are listed at:

<http://ccv.edu/documents/2014/10/sexual-harassment-contacts-2014.pdf>

Northern Vermont University:

**Michele Whitmore**, Title IX Coordinator  
Associate Dean of Students  
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(802) 635-1452

**Denise Moses**, Deputy Title IX Coordinator (Students)  
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(802) 626-6424

**Katrina Meigs**, Deputy Title IX Coordinator (Employees)  
Director of Human Resources  
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(802) 626-4865

Vermont Technical College:

**Mary Kathryn Juskiewicz**, Title IX Coordinator  
Director of Residence Life  
Room 122B, Office of Student Affairs  
124 Admin Drive, Randolph Center, VT 05061  
[MJuskiew@vtc.vsc.edu](mailto:MJuskiew@vtc.vsc.edu)  
(802) 728-1673

Inquiries regarding the application of Title IX and other laws, regulations and policies prohibiting discrimination may also be directed to the United States Department of Education's Office for Civil Rights at 5 Post Office Square, 8<sup>th</sup> Floor, Boston, MA 02109-3921; Tel: (617) 289-0111; Fax: (617) 289-0150; Email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

**Appendix B to Chancellor’s Procedures for Implementation of Policy 311-A:  
Sexual Misconduct, Domestic Violence, Dating Violence, Sexual Assault, and Stalking**

**DEFINITIONS OF CONSENT, DATING VIOLENCE, DOMESTIC VIOLENCE,  
SEXUAL ASSAULT AND STALKING UNDER VERMONT LAW**

**Dating and Domestic Violence**

**15 V.S.A. § 1101. Definitions**

“The following words as used in this chapter shall have the following meanings: . . .

(2) ‘Household members’ means persons who, for any period of time, are living or have lived together, are sharing or have shared occupancy of a dwelling, are engaged in or have engaged in a sexual relationship, or minors or adults who are dating or who have dated. "Dating" means a social relationship of a romantic nature. Factors that the court may consider when determining whether a dating relationship exists or existed include:

- (A) the nature of the relationship;
- (B) the length of time the relationship has existed;
- (C) the frequency of interaction between the parties;
- (D) the length of time since the relationship was terminated, if applicable.”

**13 V.S.A. § 1041. Definition**

“As used in this subchapter, ‘family or household members’ means persons who are eligible for relief from abuse under chapter 21 of Title 15.”

**13 V.S.A. § 1042. Domestic assault**

“Any person who attempts to cause or wilfully or recklessly causes bodily injury to a family or household member, or wilfully causes a family or household member to fear imminent serious bodily injury shall be imprisoned not more than 18 months or fined not more than \$5,000.00, or both.”

**13 V.S.A. § 1043. First degree aggravated domestic assault**

“(a) A person commits the crime of first degree aggravated domestic assault if the person:

- (1) attempts to cause or wilfully or recklessly causes serious bodily injury to a family or household member; or

- (2) uses, attempts to use or is armed with a deadly weapon and threatens to use the deadly weapon on a family or household member; or
- (3) commits the crime of domestic assault and has been previously convicted of aggravated domestic assault.”

### **13 V.S.A. § 1044. Second degree aggravated domestic assault**

“(a) A person commits the crime of second degree aggravated domestic assault if the person:

(1) commits the crime of domestic assault and such conduct violates:

- (A) specific conditions of a criminal court order in effect at the time of the offense imposed to protect that other person;
- (B) a final abuse prevention order issued under 15 V.S.A. § 1103 or a similar order issued in another jurisdiction;
- (C) a final order against stalking or sexual assault issued under 12 V.S.A. § 5133 or a similar order issued in another jurisdiction; or
- (D) a final order against abuse of a vulnerable adult issued under 33 V.S.A. § 6935 or a similar order issued in another jurisdiction.

(2) commits the crime of domestic assault; and

- (A) has a prior conviction within the last 10 years for violating an abuse prevention order issued under section 1030 of this title; or
- (B) has a prior conviction for domestic assault under section 1042 of this title.”

### **Consent and Sexual Assault**

#### **13 V.S.A. § 3251. Definitions**

“As used in this chapter:

- (1) A ‘sexual act’ means conduct between persons consisting of contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the vulva, or any intrusion, however slight, by any part of a person's body or any object into the genital or anal opening of another.
- (2) ‘Sexual conduct’ means any conduct or behavior relating to sexual activities of the complaining witness, including but not limited to prior experience of sexual acts, use of contraceptives, living arrangement and mode of living.
- (3) ‘Consent’ means words or actions by a person indicating a voluntary agreement to engage in a sexual act.
- (4) ‘Serious bodily injury’ shall have the same meaning as in subdivision 1021(2) of this title.
- (5) ‘Bodily injury’ means physical pain, illness or any impairment of physical condition.

(6) 'Actor' means a person charged with sexual assault or aggravated sexual assault.

(7) 'Deadly force' means physical force which a person uses with the intent of causing, or which the person knows or should have known would create a substantial risk of causing, death or serious bodily injury.

(8) 'Deadly weapon' means:

(A) any firearm; or

(B) any weapon, device, instrument, material or substance, whether animate or inanimate, which in the manner it is used or is intended to be used, is known to be capable of producing death or serious bodily injury."

### **13 V.S.A. § 3252. Sexual assault**

"(a) No person shall engage in a sexual act with another person and compel the other person to participate in a sexual act:

(1) without the consent of the other person; or

(2) by threatening or coercing the other person; or

(3) by placing the other person in fear that any person will suffer imminent bodily injury.

(b) No person shall engage in a sexual act with another person and impair substantially the ability of the other person to appraise or control conduct by administering or employing drugs or intoxicants without the knowledge or against the will of the other person.

(c) No person shall engage in a sexual act with a child who is under the age of 16, except:

(1) where the persons are married to each other and the sexual act is consensual; or

(2) where the person is less than 19 years old, the child is at least 15 years old, and the sexual act is consensual.

(d) No person shall engage in a sexual act with a child who is under the age of 18 and is entrusted to the actor's care by authority of law or is the actor's child, grandchild, foster child, adopted child, or stepchild.

(e) No person shall engage in a sexual act with a child under the age of 16 if:

(1) the victim is entrusted to the actor's care by authority of law or is the actor's child, grandchild, foster child, adopted child, or stepchild; or

(2) the actor is at least 18 years of age, resides in the victim's household, and serves in a parental role with respect to the victim."

### **13 V.S.A. § 3253. Aggravated sexual assault**

"(a) A person commits the crime of aggravated sexual assault if the person commits sexual assault under any one of the following circumstances:

- (1) At the time of the sexual assault, the actor causes serious bodily injury to the victim or to another.
- (2) The actor is joined or assisted by one or more persons in physically restraining, assaulting or sexually assaulting the victim.
- (3) The actor commits the sexual act under circumstances which constitute the crime of kidnapping.
- (4) The actor has previously been convicted in this state of sexual assault under subsection 3252(a) or (b) of this title or aggravated sexual assault or has been convicted in any jurisdiction in the United States or territories of an offense which would constitute sexual assault under subsection 3252(a) or (b) of this title or aggravated sexual assault if committed in this state.
- (5) At the time of the sexual assault, the actor is armed with a deadly weapon and uses or threatens to use the deadly weapon on the victim or on another.
- (6) At the time of the sexual assault, the actor threatens to cause imminent serious bodily injury to the victim or to another and the victim reasonably believes that the actor has the present ability to carry out the threat.
- (7) At the time of the sexual assault, the actor applies deadly force to the victim.
- (8) The victim is under the age of 13 and the actor is at least 18 years of age.
- (9) The victim is subjected by the actor to repeated nonconsensual sexual acts as part of the same occurrence or the victim is subjected to repeated nonconsensual sexual acts as part of the actor's common scheme and plan.”

## **Stalking**

### **13 V.S.A. § 1061. Definitions**

“As used in this subchapter:

- (1) (A) ‘Course of conduct’ means two or more acts over a period of time, however short, in which a person follows, monitors, surveils, threatens, or makes threats about another person, or interferes with another person’s property. This definition shall apply to acts conducted by the person directly or indirectly, and by any action, method, device, or means. Constitutionally protected activity is not included within the meaning of ‘course of conduct.’  
(B) As used in subdivision (A) of this subdivision (1), threaten shall not be construed to require an express or overt threat.
- (2) ‘Emotional distress’ means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.
- (3) ‘Reasonable person’ means a reasonable person in the victim’s circumstances.
- (4) ‘Stalk’ means to engage purposefully in a course of conduct directed at a specific person that the person engaging in the conduct knows or should know would cause a reasonable person to fear for his or her safety or the safety of another or would cause a reasonable person substantial emotional distress.

### **13 V.S.A. § 1062. Stalking**

“Any person who intentionally stalks another person shall be imprisoned not more than two years or fined not more than \$5,000.00, or both.”

### **13 V.S.A. § 1063. Aggravated stalking**

“(a) A person commits the crime of aggravated stalking if the person intentionally stalks another person, and:

- (1) such conduct violates a court order that prohibits stalking and is in effect at the time of the offense;
- (2) has been previously convicted of stalking or aggravated stalking;
- (3) has been previously convicted of an offense an element of which involves an act of violence against the same person;
- (4) the person being stalked is under 16 years of age; or
- (5) had a deadly weapon, as defined in section 1021 of this title, in his or her possession while engaged in the act of stalking.

(b) A person who commits the crime of aggravated stalking shall be imprisoned not more than five years or be fined not more than \$25,000.00, or both.

(c) Conduct constituting the offense of aggravated stalking shall be considered a violent act for the purposes of determining bail.”

### **13 V.S.A. § 1064. Defenses**

“In a prosecution under this subchapter, it shall not be a defense that the defendant was not provided actual notice that the course of conduct was unwanted.”

### **Orders against Stalking or Sexual Assault**

### **12 V.S.A. § 5131. Definitions**

“As used in this chapter:

- (1) (A) ‘Course of conduct’ means two or more acts over a period of time, however short, in which a person follows, monitors, surveils, threatens, or makes threats about another person, or interferes with another person’s property. This definition shall apply to acts conducted by the person directly or indirectly, and by any action, method, device, or means. Constitutionally protected activity is not included within the meaning of ‘course of conduct.’  
(B) As used in subdivision (A) of this subdivision (1), threaten shall not be construed to require an express or overt threat.
- (2) [Repealed.]
- (3) ‘Nonphysical contact’ includes telephone calls, mail, e-mail, social media commentary or comment, or other electronic communication, fax, and written notes.
- (4) ‘Reasonable person’ means a reasonable person in the victim’s circumstances.
- (5) ‘Sexually assaulted the plaintiff’ means that the defendant engaged in conduct that meets elements of lewd and lascivious conduct as defined in 13 V.S.A. § 2601, lewd and lascivious conduct with a child as defined in 13 V.S.A. § 2602, sexual assault as defined in 13 V.S.A. § 3252, aggravated sexual assault as defined in 13 V.S.A. § 3253, use of a child in a sexual performance as defined in 13 V.S.A. § 2822, or consenting to a sexual performance as defined in 13 V.S.A. § 2823 and that the plaintiff was the victim of the offense.
- (6) ‘Stalk’ means to engage purposefully in a course of conduct that the person engaging in the conduct knows or should know would cause a reasonable person to:

- (A) fear for his or her safety or the safety of a family member; or
- (B) suffer substantial emotional distress as evidenced by:
  - (i) a fear of unlawful sexual conduct, unlawful restraint, bodily injury, or death; or
  - (ii) significant modifications in the person's actions or routines, including moving from an established residence, changes to established daily routes to and from work that cause a serious disruption in the person's life, changes to the person's employment or work schedule, or the loss of a job or time from work.
- (7) 'Stay away' means to refrain from knowingly:
  - (A) initiating or maintaining a physical presence near the plaintiff;
  - (B) engaging in nonphysical contact with the plaintiff directly or indirectly; or
  - (C) engaging in nonphysical contact with the plaintiff through third parties who may or may not know of the order.
- (8) [Repealed.]”

**12 V.S.A. § 5132. Jurisdiction and venue**

“(a) The Superior Court shall have jurisdiction over proceedings under this chapter.

(b) Proceedings under this chapter may be commenced in the county in which the plaintiff resides. If the plaintiff has left his or her residence to avoid being stalked or sexually assaulted, the plaintiff shall have the option to bring an action in the county of the previous residence or the county of the new residence.”

**12 V.S.A. § 5133. Requests for an Order against Stalking or Sexual Assault**

“(a) A person, other than a family or household member as defined in 15 V.S.A. § 1101(2), may seek an order against stalking or sexual assault on behalf of him- or herself or his or her children by filing a complaint under this chapter. A minor 16 years of age or older may file a complaint under this chapter seeking relief on his or her own behalf. The plaintiff shall submit an affidavit in support of the order.

(b) Except as provided in section 5134 of this title, the court shall grant the order only after notice to the defendant and a hearing. The plaintiff shall have the burden of proving by a preponderance of the evidence that the defendant stalked or sexually assaulted the plaintiff.

(c) In a hearing under this chapter, neither opinion evidence of nor evidence of the reputation of the plaintiff's sexual conduct shall be admitted. Evidence of prior sexual conduct of the plaintiff shall not be admitted; provided, however, where it bears on the credibility of the plaintiff or it is material to a fact at issue and its probative value outweighs its private character, the court may admit any of the following:

- (1) evidence of the plaintiff's past sexual conduct with the defendant;
- (2) evidence of specific instances of the plaintiff's sexual conduct showing the source of origin of semen, pregnancy, or disease; or
- (3) evidence of specific instances of the plaintiff's past false allegations of violations of 13 V.S.A. chapter 59 or 72.

(d) If the court finds by a preponderance of evidence that the defendant has stalked or sexually assaulted the plaintiff, or has been convicted of stalking or sexually assaulting the plaintiff, the court shall order the

defendant to stay away from the plaintiff or the plaintiff's children, or both, and may make any other order it deems necessary to protect the plaintiff or the plaintiff's children, or both.

(e) Relief shall be granted for a fixed period, at the expiration of which time the court may extend any order, upon motion of the plaintiff, for such additional time as it deems necessary to protect the plaintiff or the plaintiff's children, or both. It is not necessary for the court to find that the defendant stalked or sexually assaulted the plaintiff during the pendency of the order to extend the terms of the order. The court may modify its order at any subsequent time upon motion by either party and a showing of a substantial change in circumstance.

(f) No filing fee shall be required.

(g) Every order under this chapter shall contain the name of the court, the names of the parties, the date of the petition, and the date and time of the order and shall be signed by the judge.

(h) Form complaints and form orders for an 'Order Against Stalking or Sexual Assault' shall be provided by the Court Administrator and shall be maintained by the clerks of the courts.

(i) When findings are required under this section, the court shall make either written findings of fact or oral findings of fact on the record.

(j) Every final order issued under this section shall bear the following language: 'VIOLATION OF THIS ORDER IS A CRIME SUBJECT TO A TERM OF IMPRISONMENT OR A FINE, OR BOTH, AND MAY ALSO BE PROSECUTED AS CRIMINAL CONTEMPT PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH.'

(k) Affidavit forms required pursuant to this section shall bear the following language: 'MAKING FALSE STATEMENTS IN THIS AFFIDAVIT IS A CRIME SUBJECT TO A TERM OF IMPRISONMENT OR A FINE, OR BOTH, AS PROVIDED BY 13 V.S.A. § 2904.'

(l) A finding by the court pursuant to this chapter that the defendant stalked or sexually assaulted the plaintiff shall not be admissible in any subsequent civil proceedings for the purpose of establishing liability."

#### **12 V.S.A. § 5134. Emergency relief**

"(a) In accordance with the Vermont Rules of Civil Procedure, a person other than a family or household member as defined in 15 V.S.A. § 1001(2) may file a complaint for a temporary order against stalking or sexual assault. Such complaint shall be filed during regular court hours. The plaintiff shall submit an affidavit in support of the order. The court may issue a temporary order under this chapter ex parte, without notice to the defendant, upon motion and findings by the court that the defendant has stalked or sexually assaulted the plaintiff. The court may order the defendant to stay away from the plaintiff or the plaintiff's children, or both, and may make any other such order it deems necessary to protect the plaintiff or the plaintiff's children, or both.

(b) Every order issued under this section shall contain the name of the court, the names of the parties, the date of the petition, and the date and time of the order and shall be signed by the judge. Every order issued under this section shall state upon its face a date, time, and place that the defendant may appear to petition

the court for modification or discharge of the order. This opportunity to contest shall be scheduled as soon as reasonably possible, which in no event shall be more than 14 days from the date of issuance of the order. At such hearings, the plaintiff shall have the burden of proving by a preponderance of the evidence that the defendant stalked or sexually assaulted the plaintiff. If the court finds that the plaintiff has met his or her burden, it shall continue the order in effect and make such other orders as it deems necessary to protect the plaintiff or the plaintiff's children, or both.

(c) Form complaints and form orders shall be provided by the Court Administrator and shall be maintained by the clerks of the courts.

(d) Every order issued under this chapter shall bear the following language: 'VIOLATION OF THIS ORDER IS A CRIME SUBJECT TO A TERM OF IMPRISONMENT OR A FINE, OR BOTH, AND MAY ALSO BE PROSECUTED AS CRIMINAL CONTEMPT PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH.'

(e) Affidavit forms required pursuant to this section shall bear the following language: 'MAKING FALSE STATEMENTS IN THIS AFFIDAVIT IS A CRIME SUBJECT TO A TERM OF IMPRISONMENT OR A FINE, OR BOTH, AS PROVIDED BY 13 V.S.A. § 2904.'

**Appendix C to Chancellor's Procedures for Implementation of Policy 311-A:  
Sexual Misconduct, Domestic Violence, Dating Violence, Sexual Assault and Stalking  
CONTACT INFORMATION FOR VERMONT'S SPECIAL INVESTIGATION UNITS**

<p><b><u>Addison County</u></b> Addison County Unit for Special Investigations Fred Saar Executive Director 35 Court Street Middlebury, VT 05753 (802) 274-5724 <a href="mailto:Fred.Saar@partner.vermont.gov">Fred.Saar@partner.vermont.gov</a></p>	<p><b><u>Bennington County</u></b> Bennington County Child Advocacy Center/ SIU Joy Kitchell Executive Director P.O. Box 163 129 Elm Street Bennington VT 05201 (802) 442-5107 <a href="mailto:Joy.Kitchell@partner.vermont.gov">Joy.Kitchell@partner.vermont.gov</a></p>	<p><b><u>Caledonia and Southern Essex Counties</u></b> Caledonia Children's Advocacy Center/SIU Christopher St. Cyr Executive Director PO Box 272 Saint Johnsbury, VT 05819 (802) 424-1227 <a href="mailto:Christopher.StCyr@partner.vermont.gov">Christopher.StCyr@partner.vermont.gov</a></p>
<p><b><u>Chittenden County</u></b> Chittenden Children's Advocacy Center/CUSI Veronica Rathgeb Executive Director 50 Cherry Street, Suite 102 Burlington, VT 05401 (802) 652-0991 <a href="mailto:vrathgeb@bpdvt.org">vrathgeb@bpdvt.org</a></p>	<p><b><u>Franklin &amp; Grand Isle Counties</u></b> Northwest Unit for Special Investigations NUSI/CAC Robert White Executive Director 5 Lemnah Drive St. Albans, VT 05478 (802) 524-7961 <a href="mailto:Robert.White@vermont.gov">Robert.White@vermont.gov</a></p>	<p><b><u>Lamoille County</u></b> Lamoille County Special Investigation Unit/CAC Tracy Patnoe Executive Director P.O. Box 16 Hyde Park, VT 05655 (802)-851-8116 <a href="mailto:info@lamoillesiu.org">info@lamoillesiu.org</a></p>
<p><b><u>Orange County</u></b> Orange County SIU/CAC Patti Shane Executive Director 354 VT Route 110 PO Box 254 Chelsea, VT 05038 (802) 685-4712 <a href="mailto:pshane@orangecountyvt.gov">pshane@orangecountyvt.gov</a></p>	<p><b><u>Orleans &amp; Northern Essex Co.</u></b> The Orleans County Child Advocacy Center/SIU Dawn Kelly, Executive Director 55 Seymour Lane, Suite 2 PO Box 1133 Newport, VT 05855 (802) 334-6002 <a href="mailto:Dawn.kelly@partner.vermont.gov">Dawn.kelly@partner.vermont.gov</a></p>	<p><b><u>Rutland County</u></b> Child First Advocacy Center/ Rutland Unit for Special Inv. Wendy Loomis, Exec. Dir. 80 West Street P.O. Box 6822 Rutland, VT 05702 (802) 747-0200 <a href="mailto:Wendy.Loomis@partner.vermont.gov">Wendy.Loomis@partner.vermont.gov</a></p>
<p><b><u>Washington County</u></b> OUR House of Central Vermont, Inc. CAC/SIU Rebecca Duranleau Executive Director 38 Summer Street Barre, Vermont 05641 (802) 476-8825 <a href="mailto:ourhousebarredirector@gmail.com">ourhousebarredirector@gmail.com</a></p>	<p><b><u>Windham County</u></b> Windham County Safe Place CAC/ SUI Alyssa Todd Executive Director 112 Hardwood Way Brattleboro, VT 05301 (802) 579-1358 <a href="mailto:Alyssa.todd@partner.vermont.gov">Alyssa.todd@partner.vermont.gov</a></p>	<p><b><u>Windsor County</u></b> The CACs of the Family Place/ Windsor County SIU Julie Gaudette, Director 319 US Route 5, South Norwich, VT 05055 (802) 295-3882 <a href="mailto:julie@the-family-place.org">julie@the-family-place.org</a></p>

## Preventing and Responding to Sexual Misconduct, Domestic Violence, Dating Violence and Stalking

Sexual misconduct often creates difficult emotional issues for the individual. Through regular educational programs, NVU-Johnson seeks to promote awareness and to inform students of risk reduction strategies and of the steps to take in the event of sexual misconduct. Copies of, or links to, this policy are made available annually to all students and employees.

The following are important steps to take should an act of sexual misconduct occur:

- Get to a safe place as soon as possible. Contact a trusted person for support. This could include parents, a friend, the Clarina Howard Nichols Center hotline (802.888.5256) or campus resources such as the counseling center (x5-1265), the health center (x5-1265), public safety (x5-1205), or the dean of students' office (x5-1200).
- Do not wash, go to the bathroom, or change clothing, if it can be avoided. This will help to preserve physical evidence, should the individual decide to take legal action. If you must change clothing, all of the clothing worn at the time of the assault should be put in a paper bag (not plastic).
- Seek medical attention as soon as possible.
- Decide what actions to take (see below)

## Immigration & Visa Information for Victims of Sexual & Interpersonal Violence

International students and scholars with questions about their immigration and visa status are advised to seek the assistance of an immigration attorney. This information is being provided as a resource to explain certain aspects of the law, but is not a replacement for legal advice.

### **I've been a victim of assault, does my immigration status affect my ability to access on-campus resources?**

No. Under the law, students and staff who are victims or survivors of sexual and interpersonal violence receive the same rights under [Title IX of the 1972 Education Amendments](#) (Title IX) and the Violence Against Women Act (VAWA), regardless of immigration and visa status. Information about on-campus medical and counseling resources, as well as available accommodations, may be found at <https://www.northernvermont.edu/student-life/student-wellness-and-safety/johnson-wellness-center>

Information about the student conduct process may be found at:

[https://www.northernvermont.edu/sites/default/files/johnson\\_student\\_handbook.pdf](https://www.northernvermont.edu/sites/default/files/johnson_student_handbook.pdf)

The University will not retaliate against you or treat you differently on the basis of reporting a crime.

### **Can I press criminal charges as a documented or undocumented immigrant?**

Yes. Information about Vermont's criminal definitions of sexual assault, domestic violence, dating violence and stalking are set forth above in Appendix B to the Chancellor's Implementing Procedures for Policy 311-A.

Specific questions about filing charges may be addressed to Michele Whitmore, Title IX Coordinator and Associate Dean of Students, [Michele.whitmore@NorthernVermont.edu](mailto:Michele.whitmore@NorthernVermont.edu)

### **Are there specific visa and immigration statuses for victims of crimes?**

Yes. For victims of sexual assault, domestic violence, dating violence and stalking, there may be other visa options, including U and T Visas. For specifics, talk to an immigration attorney.

#### **U visa**

- For victims of substantial physical or mental abuse as the result of certain criminal activity, including sexual abuse, domestic violence, rape, assault, or other related crimes
- Victim/applicant must be a victim of qualifying criminal activity and likely to be helpful to the investigation and/or prosecution of that criminal activity
- Generally valid for four years
- For more information, consult an immigration attorney, and see: <http://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-criminal-activity-u-nonimmigrant-status/victims-criminal-activity-u-nonimmigrant-status>

#### **T visa**

- For victims of human trafficking
- Must comply with reasonable requests from law enforcement for cooperation in investigation or prosecution of trafficking act(s) (unless unable to cooperate because of physical or psychological trauma), and must be able to demonstrate that the victim/applicant would suffer extreme hardship if removed from the United States
- Generally valid for four years
- For more information, consult an immigration attorney, and see: <http://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status>

### **Is there an office on campus that can provide me additional information?**

The Advising and Registration Office, located in Dewey Hall can provide useful information regarding immigration status. Note that for questions regarding changes to other visa statuses, or legal options that fall outside of standard F-1 and J-1 student visas, or employer-sponsored work visas, consult a qualified immigration attorney.

### **Visa Options**

#### **F-1 and J-1 status students**

- Options for reduced course-load approval due to medical conditions certified by a licensed medical doctor, doctor of osteopathy, or licensed clinical psychologist

- Options for, and consequences to, withdrawing from your academic program
- Information about returning to the academic program at a later date, if the student chooses to withdraw
- Options and consequences for accompanying spouses
- General information on options for changing visa status.
- General information on U and T visas. (Referral to a qualified immigration attorney)
- Referral to a qualified attorney

### **H-1B, O-1, E-3, or TN employees**

- Options for a work leave of absence, and consequences to your immigration status
- Options and consequences for accompanying spouses
- General information on options for changing visa status. Referral to a qualified immigration attorney
- General information on U and T visas. (Referral to a qualified immigration attorney)
- Referral to a qualified immigration attorney

### **Pending U.S. permanent residents (green card not yet approved)**

- Impact of leaving your employment on your pending employer-sponsored permanent resident application;
- Referral to a qualified attorney

### **What is an immigration lawyer and what do they do?**

Immigration lawyers are licensed attorneys who specialize in the field of immigration law. They function as the client’s advocate, and can represent them before immigration agencies, both in immigration court as well as in filing applications for immigration benefits. The lawyer can give general advice and can discuss immigration options. Like all lawyers, immigration lawyers are bound by professional ethical and legal requirements, and keep client discussions confidential.

### **Where can I find a local immigration attorney?**

U.S. Citizenship and Immigration Services (USCIS), a bureau of the Department of Homeland Security (DHS), offers two sites to help individuals find free or low-cost legal representation:

**USCIS Find Help in your Community Webpage** <https://www.uscis.gov/citizenship/learners/find-help-your-community>

**USCIS Find Legal Services Webpage** <https://www.uscis.gov/avoid-scams/find-legal-services>

The Board of Immigration Appeals (BIA) provides a **listing of attorneys by state who provide immigration services either for free or for little cost.** <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers-map>

The **American Immigration Lawyers Association** <https://www.aila.org/> (AILA) offers an online **Immigration Lawyer Referral Service** <http://www.ailalawyer.org/> that can help a student or scholar find an immigration lawyer.

The American Bar Association also provides information on [finding legal services](http://apps.americanbar.org/legalservices/findlegalhelp/home.cfm)  
<http://apps.americanbar.org/legalservices/findlegalhelp/home.cfm> by state.

## Registered Sex Offender Information

Information regarding registered sex offenders may be obtained from the State of Vermont Criminal Justice Services:

Vermont Criminal Information Center (VCIC)

103 South Main St.

Waterbury VT 05671

802-241-5400

Email: [DPS.SOR@vermont.gov](mailto:DPS.SOR@vermont.gov)

<http://vcic.vermont.gov/>

[http://www.communitynotification.com/cap\\_office\\_disclaimer.php?office=55275](http://www.communitynotification.com/cap_office_disclaimer.php?office=55275)

## Training and Programs for Risk Reduction

All new students and employees receive an orientation to the campus, which includes emergency procedures and assistance available from the Public Safety Department. Residence hall staff are trained to respond quickly and appropriately to emergencies and to provide safety and wellness training to students.

All NVU-Johnson students are expected to complete an online education module entitled Think About It. This online education module, offered by EverFi provides students with a comprehensive foundation in four areas: sex in University, partying smart, sexual violence, and healthy relationships. The following is also included in this module:

- Bystander skill and confidence-building strategies
- Campus-specific policies, procedures and resources
- campus climate survey platform

All NVU-Johnson employees are also expected to complete education and training, provided by EverFi/Campus Clarity, in several areas such as workplace conduct, mandated reporting, and data security.

All new students and employees are made aware of NVU-Johnson's Policy 311: NON-DISCRIMINATION AND PREVENTION OF HARASSMENT AND RELATED UNPROFESSIONAL CONDUCT POLICY, and POLICY 311-A: SEXUAL MISCONDUCT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING. These policies educate employees and students, and promote awareness. Additionally, all students and employees are regularly provided with the policies and their implementing procedures and are encouraged to review them at least annually.

The NVU-Johnson Wellness Center provides information in the form of a booklet titled "[Sexual Assault, Sexual Harassment and Interpersonal Violence](#)," which increases awareness regarding safety in social situations. Students receive educational information regarding alcohol, drug use and sexual violence during New Student Orientation and through Residential Life programming.

The NVU-Johnson Residence Life sponsors an Alcohol Awareness week in the fall. There is a NVU-Johnson counselor available to students when sanctions warrant such follow up. Substance abuse evaluations may be imposed for repeat offenders of the Drug and Alcohol Policy.

## Warning Signs of Abuse

Because relationships exist on a spectrum, it can be hard to tell when a behavior crosses the line from healthy to unhealthy or even abusive. Use these warning signs of abuse by your partner to see if your relationship is going in the wrong direction:

- Checking your cell phone or email without permission
- Constantly putting you down
- Extreme jealousy or insecurity
- Explosive temper
- Isolating you from family or friends
- Making false accusations
- Mood swings
- Physically hurting you in any way
- Possessiveness
- Telling you what to do
- Pressuring or forcing you to have sex

(Author Unknown. "Is this abuse?" Love is respect.org <http://www.loveisrespect.org/is-this-abuse/is-this-abuse>)

## Bystander intervention options

If you see someone in danger of being assaulted:

- Step in and offer assistance. Ask if the person needs help. NOTE: Before stepping in, make sure to evaluate the risk. If it means putting yourself in danger, call 911 instead.
- Don't leave. If you remain at the scene and are a witness, the perpetrator is less likely to do something.
- If you know the perpetrator, tell the person you do not approve of their actions. Ask the person to leave the potential victim alone.

Be an ally:

- When you go to a party, go with a group of friends. Arrive together, check in with each other frequently and leave together.
- Have a buddy system. Don't be afraid to let a friend know if you are worried about her/his safety.
- If you see someone who is intoxicated, offer to call a cab.

(Sebold, Alice. "What Can Bystanders Do?" RAINN <https://rainn.org/get-information/sexual-assault-prevention/bystanders-can-help>)

## Crime Prevention Tips and What You Can Do to Help

- Report all emergencies and possible criminal activities to Public Safety by calling 5-1205 from on campus or 802-635-1205 from an off campus location
- Keep your car locked at all times.
- Keep your residence hall room or apartment locked at all times.
- Report lost or stolen ID cards and keys immediately to Public Safety.
- Do not prop open the front door of your building, if you find the front door propped open, close it.
- Be aware of any one that might be trying to gain entry into your residence hall by following closely behind you as you swipe in.
- Avoid walking alone after dark.
  - Walk with friends or
  - Call Public Safety for an escort at any time
- Do not leave property unattended in suites, lounges, hallways, classrooms, or elsewhere on campus.
- Do not bring valuables such as jewelry with you to your residence hall room- leave valuables at home.
- Empty your vehicle of all valuables, including skis, boots, camping gear and electronics.
- Record all serial numbers from computers, electronics and other equipment.
- Engrave or otherwise label your belongings such as computers, electronics and camping gear.
- Take advantage of training programs available on campus

## NVU-Johnson Crime Statistics

		On Campus			On Campus- In Residence Halls			Non Campus Buildings			On Public Property		
		2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018
Criminal Homicide		0	0	0	0	0	0	0	0	0	0	0	0
Murder/Non-negligent manslaughter		0	0	0	0	0	0	0	0	0	0	0	0
Negligent manslaughter		0	0	0	0	0	0	0	0	0	0	0	0
Sexual Assault (Sex Offenses)	total	5	8	2	5	8	1	0	0	0	0	0	0
Forcible Sex Offenses (includes rape)		5	5	0	5	5	0	0	0	0	0	0	0
Non-forcible Sex Offenses		0	0	0	0	0	0	0	0	0	0	0	0
Rape		0	0	0	0	0	0	0	0	0	0	0	0
Fondling		0	3	2	0	3	1	0	0	0	0	0	0
Incest		0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape		0	0	0	0	0	0	0	0	0	0	0	0
Robbery		0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault		0	1	3	0	0	1	0	0	0	0	0	0
Burglary		3	5	2	1	3	2	0	0	0	0	0	0
Motor Vehicle Theft		0	1	0	0	0	0	0	0	0	0	0	0
Arson		0	0	0	0	0	0	0	0	0	0	0	0
Arrest	total	8	7	3	8	7	3	0	0	0	0	0	0
Liquor Law Violations		8	5	3	8	5	3	0	0	0	0	0	0
Drug Law Violations		0	2	0	0	2	0	0	0	0	0	0	0
Illegal Weapons Violations		0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referral	total	74	29	33	70	27	33	0	0	0	0	0	0
Liquor Law Violations		56	26	32	55	25	32	0	0	0	0	0	0
Drug Law Violations		18	3	1	15	2	1	0	0	0	0	0	0
Illegal Weapons Violations		0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence		0	1	1	0	0	1	0	0	0	0	0	0
Dating Violence		0	0	2	0	0	1	0	0	0	0	0	0
Stalking		5	9	3	2	9	1	0	0	0	0	0	0
Larceny-Theft		0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault		0	0	0	0	0	0	0	0	0	0	0	0
Intimidation		0	0	2	0	0	2	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property		0	0	1	0	0	1	0	0	0	0	0	0

\*note: any incident occurring in 'On Campus- In Residence Halls' will also appear as an incident 'On Campus'  
 There were (3) hate crimes reported (information is detailed further in the report).

## Non-campus buildings

In addition to the Main NVU-Johnson campus, NVU-Johnson utilizes the following non-campus locations:

Williston Vermont: Vermont Technical College- Williston campus: 101 Lawrence Pl, 400 suite, Williston, VT 05495  
No Clery crimes reported.

Manchester New Hampshire: MHCGM Conference Rooms, 3<sup>rd</sup> and 4<sup>th</sup> floor, 2 Wall St. Manchester, NH 03101  
No Clery crimes reported.

Wausau, Wyoming: UW Stevens Point at Wausau, 518 South 7<sup>th</sup> Ave, Wausau WI South 7<sup>th</sup> Avenue, 54401  
No Clery crimes reported.

Anchorage Alaska: 3601 Ct, 8<sup>th</sup> floor, DHHS Conference Rooms, Anchorage AK, 99503  
No Clery crimes reported.

## ANNUAL HATE CRIME STATISTICS

In addition to the crime statistics listed above, the Higher Education Opportunity Act of 2008 and the Campus Sexual Violence Elimination Act (SaVE ACT) of 2013, requires NVU-Johnson to report the Clery Act crimes of larceny, intimidation, simple assault, and vandalism, if those crimes were determined to be bias motivated. To be a bias or hate crime, the victim is intentionally selected because of their actual or perceived race, gender, religion, sexual orientation, gender identity, ethnicity, national origin or disability.

2016: No Hate Crimes Reported

2017: No Hate Crimes Reported

2018: Two on- campus, in Residence Hall, intimidation incidents characterized by Sexual Orientation bias

One on-campus, in Residence hall, Destruction/damage/vandalism of property incident characterized by Sexual Orientation bias

## Definition of Terms:

The following terms are defined from the Code of Federal Regulations, Title 34, Volume 3, and Revised as of October 20, 2014. (34CFR668.46)

### **The term “On-Campus” means:**

- Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and
- Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

### **The term “on-Campus Student Housing Facility” means:**

- Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

### **The term “Noncampus building or property” means:**

- Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
- Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

### **The term “Public Property” means:**

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Under the Clery Act, campuses are required to report crime statistics for certain offenses, hate crimes, arrests and disciplinary referrals for violations of the law. The Clery Act may define a particular crime differently than how the crime is defined under the Vermont Law. For purposes of this report, NVU-Johnson uses the Clery Act definitions, which have been adopted from the FBI’s Uniform Crime Reporting (UCR) Program. The definitions for Murder, Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Weapons Violations, Drug Abuse Violations, and Liquor Law Violations are from the Summary Reporting System (SRS) User Manual from the FBI’s UCR Program. The definitions of Fondling, Incest and Statutory Rape are from the FBI’s National Incident-Based Reporting System (NIBRS) Data Collection Guidelines edition of the UCR. Hate Crimes are classified according to the FBI’s Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Manual. Note that, although the law states that institutions must use the UCR Program definitions, Clery Act crime reporting does not have to meet all of the other UCR Program standards.

**Arson**

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Murder/Non-Negligent Manslaughter:**

The willful (non-negligent) killing of one human being by another.

NOTE: deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

**Manslaughter by Negligence:**

The killing of another person through gross negligence.

**Sexual Assault (Sex Offenses)**

Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Including attempted Sexual Assaults.

**Rape**

The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females

**Fondling**

The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Incest**

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape**

Sexual intercourse with a person who is under the statutory age of consent.

**Robbery**

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault**

Aggravated Assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Burglary**

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft**

The theft or attempted theft of a motor vehicle.

**Weapon Law Violations**

the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

**Drug Abuse Violations**

the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs

**Liquor Law Violations**

The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. Drunkenness and driving under the influence are not included in this definition, nor is possession of alcohol by an individual 21 years of age or older where such possession is in violation of University Policy, i.e. in an alcohol/drug free residence hall.

**The term "Arrest" as defined for Clery act purposes is:**

Persons processed by arrest, citation or summons, such as: Those persons arrested and released without a formal charge being placed against them. (An arrest has occurred when a law enforcement officer detains an adult with the intention of seeking charges against the individual for a specific offense(s) and a record is made of the detention.)