

**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>1</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**

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.

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<sup>1</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.

**(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>2</sup> Any such advisor 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

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<sup>2</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 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.

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>3</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;
- 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.

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<sup>3</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.

**(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;

**Revised effective January 30, 2018**

- 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 30, 2018.

Revised contact information for Coordinators in Appendix A and Special Investigation Unit Contacts in Appendix C effective September 1, 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  
[Nancy.Shaw@vsc.edu](mailto:Nancy.Shaw@vsc.edu)  
(802) 224-3011

Castleton University:           **Janet Hazelton**, Title IX Coordinator  
Director of Human Resources  
Woodruff Hall, 62 Alumni Drive, Castleton, VT 05735  
[Janet.Hazelton@castleton.edu](mailto:Janet.Hazelton@castleton.edu)  
(802) 468-1207

**Victoria Angis**, Deputy Title IX Coordinator (Students)  
Associate Dean of Students  
Campus Center, Room 162, 42 University Drive,  
Castleton, VT 05735  
[Victoria.Angis@castleton.edu](mailto:Victoria.Angis@castleton.edu)  
(802) 468-1231

**Deanna Tyson**, Deputy Title IX Coordinator (Athletics)  
Associate Dean for Athletics and Recreation  
Spartan Athletic Complex, Room 186, 190 University  
Drive, Castleton, VT 05735  
[Deanna.Tyson@castleton.edu](mailto:Deanna.Tyson@castleton.edu)  
(802) 468-1365

Community College of Vermont:   **Angela Albeck**, Title IX Coordinator and Equity Officer\*  
Associate Dean of Students  
1 Abenaki Way, Winooski, VT 05404  
[Angela.Albeck@ccv.edu](mailto:Angela.Albeck@ccv.edu)  
(802) 654-0690

**Robert "Bo" Finnegan**, Deputy Title IX Coordinator  
Director of Human Resources  
660 Elm Street, Montpelier, VT 05602

**Revised effective September 1, 2018**

[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

Dewey Hall, 337 College Hill, Johnson, VT 05656

[Michele.Whitmore@NorthernVermont.edu](mailto:Michele.Whitmore@NorthernVermont.edu)

(802) 635-1452

**Denise Moses**, Deputy Title IX Coordinator (Students)

Coordinator of Academic Success

LAC, Room 325

1001 College Road, Lyndonville, VT 05851

[Denise.Moses@NorthernVermont.edu](mailto:Denise.Moses@NorthernVermont.edu)

(802) 626-6424

**Katrina Meigs**, Deputy Title IX Coordinator (Employees)

Director of Human Resources

Vail, Room 365

1001 College Road, Lyndonville, VT 05851

[Katrina.Meigs@NorthernVermont.edu](mailto:Katrina.Meigs@NorthernVermont.edu)

(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 align="center"><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 align="center"><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 align="center"><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 align="center"><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 align="center"><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 align="center"><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 align="center"><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 align="center"><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 align="center"><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 align="center"><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 align="center"><b><u>Windham County</u></b> Windham County Safe Place CAC/ SUSI Alyssa Todd Executive Director 112 Hardwood Way Battleboro, VT 05301 (802) 579-1358 <a href="mailto:Alyssa.todd@partner.vermont.gov">Alyssa.todd@partner.vermont.gov</a></p>	<p align="center"><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>