

# VERMONT TECH

Department of Public Safety

**Annual Security and Fire Report**

**2018**



***Includes crime and fire statistics for 2015-2017 calendar years***

***In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act  
and the Education Opportunity Act***

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**A MESSAGE FROM THE DIRECTOR OF PUBLIC SAFETY**

I would like to take this opportunity to welcome you to Vermont Technical College and wish you success in your individual endeavors.

As Director of Public Safety at the college, my main objective is to ensure that the campus provides a safe and secure environment for all of the members of the college community. We are fortunate at Vermont Tech to experience relatively few of the crime-related problems that are all too common in much of the country today. But no college, including this one, can completely isolate itself from the problem of crime. What we can do is keep this problem minimized at Vermont Tech through prevention efforts based on teamwork, awareness, and involvement on the part of all of us who make up the college community.

I want to enlist your help in keeping Vermont Technical College the safe secure institution it always has been. The responsibility for crime prevention is one that we all share. Please, if you witness suspicious or criminal activity on or near any campus location, report it immediately to an official of the college.

Remember, you can never be completely isolated from threat of crime-even here in beautiful Vermont. But by following the suggestions outlined in this report, you can substantially reduce the possibility that you will become a victim.

Together, you and the Vermont Tech Public Safety team can make our campuses even safer.

Emile Fredette, Jr  
Director of Public Safety

**Public Safety personnel are available 24 hours a day and seven days a week, and may be reached at extension 7-1292 from any campus telephone, or by calling 802-728-1292.**

## **Mission Statement**

The mission of Vermont Technical College Public Safety Department is to provide for the safety and well-being to all college members and guests, and to promote a safe and secure environment. Because no campus can totally isolate itself from crime, Vermont Technical College Public Safety Department has developed a series of policies and procedures designed to ensure that precautions are taken to protect the college community. The actions taken, and described in this report, are consistent with Vermont State Colleges Campus Safety Policy (Policy 504) which requires each member college to adopt and implement policies and procedures to ensure that buildings, grounds, facilities and equipment are reasonably safe and secure.

## **About This Report**

Vermont Technical College Public Safety Department prepares this report for compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*. This report can be found on the Vermont Technical College website <http://www.vtc.edu> and navigating to the Public Safety or Policies & Public Info page.

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 the three most recent calendar years concerning reported crimes that occurred on campus.

In addition, these statistics are gathered from crimes reported to the Public Safety Department and crimes reported to other campus officials with significant responsibility for student and campus activities (known as Campus Security Authorities). These statistics also include persons referred for campus disciplinary action for categories required under the Clery Act, which include violations of liquor laws, drug laws, and illegal weapons possession. Statistical information for certain off-campus buildings or property owned or controlled by Vermont Tech, as well as public property within or immediately adjacent to and accessible from the campus, are collected or requested from the local police departments. Local police departments include outside law enforcement agencies with jurisdiction over some or all the College's Clery geography.

Each year an email notification is made to all students, faculty and staff providing the web site address to access this report. Paper copies of this report are also available from Vermont Tech's Randolph Center campus Public Safety office. All prospective students and employees may receive a copy of this report by calling Public Safety at (802) 728-1292.

## **Our Communities**

Vermont Tech (Randolph Campus) is located in the hilltop village of Randolph Center, less than a mile east of Interstate 89 off exit 4. The campus includes residence halls, a library, maintenance buildings, several academic buildings, an administration building, two physical fitness facilities, a student center, and a modern farmstead.

For day-to-day needs and activities, the villages of Randolph Center and Randolph offer a variety of shops, restaurants, and recreation.

Vermont Tech (Williston Campus) is located near Interstate-89 at Taft's Corners in Williston. This campus has one residence hall and offers a wide array of degree and certificate programs for part-time and full-time students.

In addition, nursing programs at Vermont Tech are offered at facilities in Bennington and Brattleboro, along with extended sites in Newport, Lyndon, Middlebury, St. Albans, White River, and Springfield. Crime reporting statistics for all of these campuses are included in this report.

## **Security and Access to Campus Facilities**

The Public Safety Department is responsible for control and access to campus buildings 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 Vermont Tech regulations and policies. Residents are responsible for their guests' actions. Anyone found in an academic building after specified closing times will be asked to leave. The closing hours for the academic buildings in Randolph are normally 11:00 P.M. Closing times for other buildings on the campus such as the SHAPE Facility (pool and fitness center), Hartness Library, and Student Center vary between 4:00-11:00 p.m. depending on the day of the week and whether the College is in session. Additionally, special events taking place on campus may alter closing times occasionally. If you have questions about the

closing hours of any building in Randolph, please contact the Department of Public Safety.

In Williston the academic buildings are generally open until 10:00 p.m. Monday-Thursday, Fridays until 7:00 p.m., and Sunday 1:00-6:00 p.m. They are closed Saturdays. These hours may vary depending on special events or whether the College is in session.

In other college locations, generally the buildings are open around the class schedule with offices open between 8:00-4:30p.m.

Safety and security considerations are taken into account in the maintenance of all campus facilities. 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.

### **About the Department of Public Safety**

The Department of Public Safety at Vermont Tech serves the student body by working to maintain a safe environment, protect life and property, prevent and detect crime, and enforce College policies. The Public Safety Department reports to the Dean of Student Affairs and works closely with offices such as Residence Life office.

Public Safety officers have access to the complete campus and may be seen anywhere on college property at any time. The high visibility of our Public Safety officers around campus is in itself an effective deterrent to any would-be wrongdoers.

The Department of Public Safety consists of the Director, two full-time officers, and six part-time officers. Two part-time officers are assigned to the Williston campus. Public Safety also employs work study students who do clerical and dispatch work, answer telephones, assist with building and fire patrols, and perform other support duties for the regular Public Safety staff.

The Public Safety office in Randolph Center is on the east end of the Administration Center, Room 122. It is open 24 hours per day, seven days a week. The office is a place where you can find friendly, concerned staff willing to help with your security and safety concerns. Your suggestions are always welcome.

The Williston Public Safety office is located in the Administrative Building 200. A Public Safety Officer is on duty from 6:00-11:00 p.m. Monday-Thursday, Friday from 4:00-8:00 p.m., and Saturday from 8:00 p.m.-Midnight.

Several officers at Vermont Technical College have previous law enforcement experience. All officers are trained in fire safety, human relations, college policies and regulations, and are certified in basic First Aid and CPR.

### **Enforcement Authority of Public Safety Officers**

The Vermont Tech Department of Public Safety has only those enforcement powers designated by the College administration; the department does not have law enforcement powers. However, they are empowered to detain an individual until Vermont State Police (“VSP”) arrive on campus. Vermont Tech has an excellent working relationship with local, county, and state law enforcement agencies concerning on- and off- campus incidents. A Memorandum of Understanding (MOU) also exists with the Vermont State Colleges and Special Investigation Units throughout Vermont. All emergencies and criminal actions reported to Public Safety will be investigated by the Department, outside law enforcement, or perhaps both.

The officers of Public Safety and local and state law enforcement communicate regularly and on the scene of incidents that occur in and around college property. Public Safety and VSP officers work closely with the investigative staff at VSP and other agencies when incidents arise that require joint investigative efforts, resources, crime-related reports and exchanges of information, as deemed necessary. The Public Safety officers document activities in the daily log or in incident reports.

Incident reports are maintained by Public Safety for follow-up of investigations, referral to the college administration for judicial process, referral to local law enforcement, and/or for statistical records.

Other services offered by the Department of Public Safety include student identification card issuance, lost and found, lock out assistance, and hospital/clinic transports. Details on these services are available upon request.

Parking and motor vehicle operations on campus are monitored and enforced by the Department of Public Safety. Parking on campus is a privilege, not a right, and vehicles must be registered with Public Safety. Violators of parking regulations are subject to ticketing and towing at the owners' expense.

### **Off-Campus Disturbances**

Vermont Tech does not have officially recognized student organizations with off-campus locations. However, as members of Vermont Tech and members of our neighborhood community, students who reside off-campus have a responsibility to demonstrate respect and concern for all members of the local community. As a result, Vermont Tech imposes an obligation upon all its students to demonstrate responsible citizenship in the local neighborhood.

Students who violate these expectations and/or whose behavior jeopardizes the College's positive relationship with the local community may be subject to college discipline.

### **Reporting Criminal Actions or Emergencies**

A Public Safety Officer can be reached 24 hours a day in Randolph and during scheduled times in Williston. Community, students, faculty, staff, and guests are encouraged to report all crimes and public safety-related incidents to the Public Safety Department in a timely manner.

To report a crime on the Randolph Center campus, call extension 7-1292 or, from outside the college phone system, 802-728-1292

To report a non-emergency security or public safety related matter, call extension 7-1292 or, from outside the college phone system, 802-728-1292

To report a crime on the Williston campus, call 8-2323 or, from outside the college phone system, 802-879-2323.

To report a non-emergency security or public safety related matter call 8-2323 or, from outside the college phone system, 802-879-2323.

To report a crime or non-emergency security- or public safety-related matter at a Nursing site please contact the site director and/or security office for that site.

Your phone call will be answered by the duty officer via the two-way radio, or cell phone. All residence halls have phones in the lobby areas and can be used to dial the on-campus extensions. There are seven emergency phones located around the Randolph campus on walkways and in parking lots that can be used to contact Public Safety by pressing the red buttons.

### **Emergency Response and Procedures**

The College has developed an Emergency Operations Plan that includes information about college operating status parameters; incident priorities and performance expectations; shelter-in-place and evacuation guidelines; and local contingency and continuity planning requirements. It is reviewed annually and publicized to the College community via email. Individual departments are responsible for developing contingency plans and continuity of operations plans for their staff and areas of responsibility. The Plan can be found on the College website at <https://www.vtc.edu/my-vermont-tech/my-vermont-home/health-safety/emergency-plans>

The College Incident Management team is comprised of college administrators and 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. The College has members of the staff, faculty, and student body who are affiliated with and work regularly with local responders such as ambulance, fire and police agencies.

The Public Safety Officers and members of the College Incident Management team have received training in Incident Command System and Responding 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, state and local law enforcement, and local fire departments. They typically respond and work together to manage the incident. Depending on the nature of the incident, other Vermont Technical College departments, and municipal or federal agencies could also be involved in responding to the incident.

### **Notification to the Vermont Tech community about an Immediate Threat**

The Department of Public Safety receives information from various offices/departments on and off campus. 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 the College community, Public Safety will collaborate 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. The College 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 a confirmed immediate threat to the community, as determined by Public Safety or a law enforcement agency, the College has various systems in place for communicating information quickly to a broad audience. Some or all of these methods of communication may be activated in the event of a confirmed immediate threat to the campus community. These methods of communication include emergency phone notification, emergency text messages that can be sent to cell phones, pagers, and the College email and website. Appropriate staff members are capable of executing a campus notification.

The "Send Word Now" emergency alert system is currently available free of charge for Vermont Tech students, staff, and faculty. To register for this service go to My Vermont Tech on the college portal and to the Emergency Notification Management link under Campus Life.

Member of the community at large who are interested in receiving information about emergencies on campus should monitor the College website.

### **Timely Warnings**

In the event that a situation arises, either on or off campus, that, in the judgment of the Director of Public Safety, the President of the College, or the President's designee, constitutes an ongoing or continuing threat, a campus-wide "timely warning" will be issued. The warning may be issued through the College e-mail system, emergency notification system to students, faculty and staff, and/or through postings in potentially affected buildings or residence halls. Local law enforcement will also be advised.

### **Emergency Evacuation Procedures**

Residential students receive information about evacuation procedures in the student handbook and on evacuation plans posted on all residential room doors. Additionally, information is shared during fire drills that take place throughout the year. The Residence Life staff members are trained in these procedures as well and act as an ongoing resource for the students living in residential facilities.

The College Incident Response Team conducts table-top exercises and follow-through activities on a regular basis. These trainings are designed to practice, plan, and evaluate emergency response and operational capabilities. The Public Safety Department also coordinates fire drills each semester to test the emergency response and evacuation procedures, and also help to assess and evaluate the emergency evacuation plans and capabilities.

### **Reporting and Statistics**

All reports of crime should be made promptly to the Department of Public Safety so that timely warnings to the community,

when necessary, can be made. Reporting crimes in a timely manner will also ensure that the reported crime is properly recorded for the Campus Crime Statistics. A daily crime log is kept in the Public Safety office in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime statistics Act. This log is available during normal office hours and includes the last 60 days of reported crimes.

In accordance with the Federal Student Right-to-Know and Campus Security Act (S.580) of 1990, each institution of higher education is required annually to prepare a Uniform Campus Crime Report consistent with the FBI's Uniform Crime Reporting system. The report reflects the crime statistics on the property of the institution for the preceding calendar year. The statistical crime categories to be reported are murder, rape, robbery, aggravated assault, motor vehicle theft, and arrests for campus liquor law violations, drug abuse violations, and weapons possessions. The report must contain campus crime statistics for the preceding two calendar years for which data are available. The Higher Education Amendments of 1998, signed into law on October 7, 1998, requires colleges and universities to report criminal offenses in several new categories, and in two new criminal areas: arson and manslaughter. Vermont Technical College has incorporated these changes into its reporting beginning in 1999. Campus Crime statistics are published annually on the Public Safety section of the Vermont Technical College website and paper copies are available upon request and include the past three calendar years of reported crimes and other reportable offenses. (See Public Safety Campus Crime Statistics).

### **Missing Students Who Reside on Campus**

If a member of the Vermont Tech community has reason to believe that a student who resides in college housing is missing, he or she should immediately notify Public Safety at 728-1292. The Department will generate a missing person report and initiate an investigation.

After investigating the missing person report, should Vermont Tech Public Safety determine that the student is missing and has been missing for more than 24 hours the Public Safety office will seek to notify the Vermont State Police and the student's emergency contact no more than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, Vermont Tech will attempt to notify the student's parent or legal guardian immediately after it has determined that the student has been missing for more than 24 hours.

In addition to registering an emergency contact, beginning in 2010-11 students residing in on-campus housing have the option to identify confidentially an individual to be contacted by Vermont Tech in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, Vermont Tech will attempt to notify that individual no later than 24 hours after the student is determined to be missing. Students who wish to identify a confidential contact can do so through the Vermont Tech Residence Life Office.

### **Fire Safety and Fire Statistics in Residence Halls**

In accordance with the 2008 changes to the Higher Education Opportunity Act, institutions like Vermont Technical College 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 compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime statistics Act. This log is available during normal office hours and includes any reported fires over the last 60 days.

### **Reporting a Fire**

If a fire occurs on Vermont Tech property, community members should immediately call 911. This will ensure that the local Fire Department is notified and can respond. If a member of the Vermont Tech Community finds evidence of a fire that has been extinguished, and the person is not sure whether it has been reported to Public Safety the community member should immediately notify Public Safety to investigate and document the incident.

### **Fire Alarms and Evacuation**

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 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. Vermont Tech publishes this report as part of its annual Fire Safety Report, which contains information with respect to the

fire safety practices and standards for Vermont Technical College. 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.

### Residence Hall Fire Safety Systems

Hall	Fire alarm Monitoring by Home Security	Partial Sprinkler System	Full Sprinkler System (All common areas and individuals)	Smoke Detection	Fire Extinguisher Devices	Evacuation Plan and Placards	Annual Evacuation Drills
Old Dorm	X		X	X	X	X	0
Keenan Hall	X		X	X	X	X	1
Morey Hall	X		X	X	X	X	1
Nutting Hall	X		X	X	X	X	1
44 Water St.				X	X		0
Williston Hall	X		X	X	X	X	1

### Fire Safety Improvements and Upgrades

The College 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 automatic dialers to local fire departments. Smoking has been prohibited in all campus buildings, including the residence halls, since 2005.

### Residence Hall Fire Drills

Annual fire drills are held in Residence Halls. Fire drills are mandatory supervised evacuations. The fire drills are conducted by Public Safety staff, and Residence Life staff members are notified of the week the drills will take place. Evacuation route maps are posted in each residential room showing where the closest egress route to the assembly area outside. Students who fail to leave the building during a fire drill are sanctioned.

### Fire & Life Safety Education and Guidelines

Prohibited actions in the residence halls include smoking; having an open flame or fire (e.g., candles or incense); blocking doorways or exits; having anything covering or blocking a room heater; hanging items from the ceiling; or storing bicycles or other equipment in corridors, stairwells, entryways, or bathrooms.

Items that violate the fire safety code and are not permitted in the residence halls, include without limitation: decorative lights; live trees or wreaths; additional furniture; anything near, covering, or attached to smoke detectors or heat sensors; toaster ovens; hot plates; electric frying pans; toasters; indoor or outdoor grills; and space heaters.

### Fire & Life Safety Inspections

Room fire safety inspections will be done on a regular basis in the residence halls. Notification will be given when such inspections are to take place. Most often, these inspections take place during scheduled college breaks.

### Smoking Policy

Vermont Tech prohibits smoking on all college property and in college owned vehicles.

### 2017 Statistics and Reports of On-Campus Student Housing Fire(s)

Residence Hall	Total Fires	Cause of Fire	Number of Injuries from fire (medical facility)	Deaths due to fire	Property Value loss
Old Dorm Hall	0	0	0	0	0
Keenan Hall	1	Cooking	0	0	0
Morey Hall	0	0	0	0	0
Nutting Hall	0	0	0	0	0
44 Water St.	0	0	0	0	0
Williston Hall	0	0	0	0	0

### 2016 Statistics and Reports of On-Campus Student Housing Fire(s)

Residence Hall	Total Fires	Cause of Fire	Number of Injuries from fire (medical facility)	Deaths due to fire	Property Value loss
Old Dorm Hall	0	0	0	0	0
Keenan Hall	0	0	0	0	0
Morey Hall	0	0	0	0	0
Nutting Hall	0	0	0	0	0
44 Water St.	0	0	0	0	0
Williston Hall	0	0	0	0	0

### 2015 Statistics and Reports of On-Campus Student Housing Fire(s)

Residence Hall	Total Fires	Cause of Fire	Number of Injuries from fire (medical facility)	Deaths due to fire	Property Value loss
Old Dorm Hall	0	0	0	0	0
Keenan Hall	0	0	0	0	0
Morey Hall	0	0	0	0	0
Nutting Hall	0	0	0	0	0
44 Water St.	0	0	0	0	0
Williston Hall	0	0	0	0	0

### Definition of Fire Related 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**

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 one (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 in Residence Halls**

At the beginning of each academic year, the Department of Public Safety is involved in the training and orientation of Residence Life staff. Topics covered include residence hall security, personal safety, personal property protection, and a strong emphasis on fire safety. Representatives from Public Safety are available to speak with any student group about safety and security issues.

Residential areas at both Randolph and Williston campuses 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. Non-emergency access to and from college dormitories is confined to central entrances after 11PM. Emergency exits are tagged and may have alarms to deter unauthorized use.

Public Safety officers conduct interior and exterior checks of each residence hall at random times. When doing this, they physically check exterior ground floor doors to ensure they are secure. Random patrols of dormitory parking lots are conducted to assist students and deter vehicle vandalism.

Activities of a criminal or questionable nature should be reported to Public Safety as soon as they are observed. Your prompt call to the Public Safety office enables the officer(s) on duty to respond immediately to emergencies and reported crimes. If appropriate, the state police will be summoned to assist or follow up. Depending on the nature of the incident, the residence hall director or resident assistant may be called to follow up.

Faulty or non-operational locks should be reported immediately to residence hall staff. Visitors can contact residents using the phones located outside of the buildings for access.

**Drugs & Alcohol Policy**

The possession, sale or the furnishing of alcohol on all Vermont Tech campuses and sites is governed by Vermont Tech Alcohol Policy and Vermont state law. Laws regarding the possession, sale, consumption or furnishing of alcohol are enforced by the Vermont State Department of Liquor Control and local law enforcement; however, the enforcement of alcohol laws on-campus is the primary responsibility of the Public Safety Department. The possession, sale, manufacture or distribution of any controlled substance is illegal under state and/or federal laws. Such laws are strictly enforced by the Public Safety Department. Violators are subject to College disciplinary action, criminal prosecution, fine and imprisonment.

It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of the Vermont Tech Alcohol Policy for anyone to consume or possess alcohol in any public area of campus without prior College approval.

Members of the college community that are of legal drinking age can purchase and consume at functions operated by the college's food service agent holding a Vermont liquor license, or at other events authorized by the college. Organizations or groups violating alcohol/substance policies or laws may be subject to sanctions by the College.

All Vermont Tech campuses and sites have been designated "drug free." The possession, sale, manufacture or distribution of any controlled substance is illegal under state and/or federal laws. Such laws are strictly enforced by the VTC Public Safety Department. Violators are subject to College disciplinary action, criminal prosecution, fine and imprisonment.

Vermont Technical College's primary concern is student's health and safety. Should a student find him or herself or a fellow student in an unsafe situation involving alcohol or drugs, he or she is strongly encouraged to contact Residence Life or Public Safety staff. The Vermont Tech Student Handbook outlines the key components of alcohol and drug policies on campus and is available on the College website: [www.vtc.edu](http://www.vtc.edu).

### **Alcohol in the Residence Halls and On-Campus Housing**

All resident students and visitors to campus housing facilities must abide by federal and Vermont state laws and the College regulations concerning the purchase, possession, and consumption of alcoholic beverages. Students are responsible for enforcing the alcohol policy with their guests. All drinking games are strictly prohibited. Participation in such games, regardless of age, will result in an administrative sanction. Additionally, the possession of any items or devices intended for rapid consumption or used for "drinking games" is prohibited and will be subject to confiscation. Any drinking behavior that disrupts the academic or social climate will result in disciplinary action.

The College reserves the right to limit alcohol quantities in individual students' possession on campus. Alcohol may be consumed only within individual private living areas by persons of legal drinking age, unless the living area is designated alcohol free. No alcohol is permitted in the alcohol-free residence hall or alcohol free designated floors, regardless of the age of the resident or guest.

Kegs and any other large quantity serving containers (such as beer balls and wine boxes) are prohibited within the college housing facilities. 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, laundry rooms, and lounges, public restrooms, outside ground areas, elevators, hallways, and lobbies.

Students of the legal drinking age are limited to having no more than the following amount of alcohol per legal drinking-aged resident in their own room at one time: one 12 pack of 12 oz. malt beverages (beer, wine coolers, not exceeding a total of 144 ounces) or one-quart bottle of liquor or spirits or one 750 ml. bottle of wine.

Vermont Technical College does not allow empty alcohol containers in the rooms of anyone under the age of 21.

### **Local, State & Federal Legal Sanctions**

#### **Legal Sanctions – Laws Governing Alcohol**

The State of Vermont sets 21 as the minimum age to purchase or possess any alcoholic beverage. Specific ordinances and laws regarding violations of alcohol laws, including driving while intoxicated, are available from the Office of Public Safety. These include the following:

"Person under 21 years of age misrepresenting age, procuring, possessing, or consuming alcoholic beverages are be enrolled in Youth Substance Abuse Safety Program or assessed a civil penalty of \$300.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 90 days, for a first offense; and a civil penalty of not more than \$600.00 and suspension of the person's operator's license and privilege to operate a motor vehicle for a period of 180 days, for a second offense. A person under 21 years of age who engages in conduct in violation of subdivision 656(a)(1) of this title commits a crime if the person has been adjudicated at least twice previously in violation of subdivision 656(a)(1) of this title and shall be imprisoned not more than 30 days or fined not more than \$600.00, or both."

"It is illegal to loan your Vermont liquor ID to someone else, attempt to use an ID belonging to someone else or attempt to

use a falsified ID, make a written statement of age that is false when applying for ID or in trying to enter a bar.”

“Any person who provides alcohol for person under the age of 21 shall be fined not less than \$500.00 nor more than \$2,000.00 or imprisoned not more than two years, or both.”

A violation of any law regarding alcohol is also a violation of the College’s Student Code of Conduct and will be treated as a separate disciplinary matter by the College.

### **Prevention Programs**

The College has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to drug use and abuse including dissemination of informational materials, educational programs, counseling services, referrals and college disciplinary actions. This effort is the responsibility of many different areas of the institution, including:

**Alcohol and Drug Education:** College Health Services, Employee Assistance Program, Residence Life, Student Affairs

**Counseling Services:** Student Development Counselors, College Nurse, Employee Assistance Program.

**Referral Services:** Student Development Counselors, College Nurse, Employee Assistance Program.

**College Disciplinary Actions:** Student Judicial Hearing, College Disciplinary Board, Employee Supervisor Meeting.

### **Training and Programs**

All new students and employees receive an orientation to the campus, which includes information on the emergency procedures, responding to a hostile intruder, 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.

Vermont Tech has developed educational programs to promote awareness of sexual misconduct, domestic violence, dating violence and stalking. These education programs include primary prevention and awareness programs for all incoming students at orientation (both in-person and online) and new employees and residence hall staff, as well as an online training module for current faculty and staff. These programs include: a statement that these crimes are prohibited at Vermont Tech; definitions of consent, domestic violence, dating violence, sexual assault, and stalking under Vermont state law; safe and positive bystander intervention; information on reducing risk by recognizing warning signs of abusive behavior and avoiding potential attacks; and information about Vermont Tech’s institutional disciplinary procedures.

New students and employees are also made aware of the College’s Policy 311: Non-Discrimination and Prevention of Harassment and Related Unprofessional Conduct Policy. Additionally, all students and employees are regularly provided with the policies, any updates, and are encouraged to review them at least annually. Again, the online training module covers this content area.

Students receive educational information regarding alcohol, drug use and sexual violence during New Student Orientation, both online and in-person, and through Residential Life programming. Students may be referred to a counselor available to Vermont Tech students when sanctions warrant such follow up. Substance abuse evaluations may be imposed for repeat offenders of the Drug and Alcohol Policy. Information on the policies regarding alcohol and other drugs are provided to employees during orientation and through compliance modules available online.

### **Education, Crime Prevention Tips, and What You Can Do to Help**

Vermont Tech Public Safety staff are available to respond to questions or concerns from students or college personnel. Security alert notices are distributed throughout the college community through campus bulletin boards, text and phone messages, newsletters, computer alerts and emails. Messages describe information about current crimes and provide advice to students, faculty and staff.

### **Tips to keep in mind to help you avoid becoming a victim of crime:**

- Avoid traveling alone after dark.
- Walk on lighted and regularly traveled walks and pathways.
- Avoid shortcuts, and keep away from shrubbery and bushes where an assailant could be hiding.
- Report lights that are not functioning, defective doors or locks, and any other hazardous conditions to the Department of Public Safety.
- When walking to your vehicle or residence, have your keys ready in hand.
- Keep doors and windows to your residence locked at all times.
- Never sleep in an unlocked room.
- If you lose your keys or access card to your room or residence hall, notify your Resident Director and Public Safety immediately so that arrangements can be made to have your lock changed.
- Inform a friend or Vermont Tech personnel of your plans when leaving campus.
- If you find that your room has been entered in your absence, do not go inside. Notify the Department of Public Safety immediately. Do not touch anything, as you may disturb evidence important to an investigation.
- If you see a suspicious person or vehicle on campus, contact Public Safety immediately. Try to get a license plate number or a description of the vehicle.
- Do not block open entrances or locked interior doors to any college building, as you will be subject to fines and disciplinary action if caught doing so.
- Avoid bringing large amounts of cash or other valuables to campus, and keep items of value out of sight if you do bring them to campus.
- Never lend anyone your room keys or access card.
- The most common crimes are “rip-offs.” These are larcenies committed by opportunity and occur when property is left unlocked or unattended.

### **Non-Discrimination and Prevention of Harassment and Related Unprofessional Conduct (VSC Policy 311)**

Vermont Technical College is a member of the Vermont State Colleges (VSC) and is subject to VSC policies. Each Member College prohibits discrimination and harassment on the basis of a race, color, ancestry, ethnicity, national origin, place of birth, sex, sexual orientation, gender identity, creed, religion, disability, age, veteran status, marital status, genetic information, positive HIV-related blood test results, or any other status protected by state or federal law. All members of the College community must act in a manner that allows others to pursue appropriate activities and goals without fear of harassment. The College values a community atmosphere that is free from all forms of discrimination and harassment, and will endeavor to prevent discrimination based on race, color, sex, religion, gender, sexual orientation, national origin, age, disability, or military service. The College prohibits conduct that prevents free academic interaction and opportunities or creates an intimidating, hostile or offensive environment.

A copy of VSC Policy 311, Non-Discrimination and Prevention of Harassment and Related Unprofessional Conduct, may be viewed at [www.vsc.edu](http://www.vsc.edu) under the Board of Trustees; Policies & Procedures section. Mary Kathryn Juskiewicz, Director of Residence Life, is Vermont Tech’s Policy 311 Coordinator and is responsible for coordinating the institution’s response to complaints and maintaining records on complaints. Director Juskiewicz’s office is located in Morey Hall, room 122. She can also be reached by email ([marykathryn.juskiewicz@vtc.vsc.edu](mailto:marykathryn.juskiewicz@vtc.vsc.edu)) or phone (802-728-1673).

Complaints of harassment and discrimination are investigated by two impartial investigators. Where a complaint is made by a student against another student, the Policy 311 Coordinator shall appoint two investigators. Where a complaint is made by an employee or by a student against an employee, two investigators, who may or may not be employees of the member college, shall be appointed. All faculty and staff have an obligation to report any complaints shared with them to the Policy 311 Coordinator.

Any student or employee who believes that he or she is a victim of discrimination, harassment or related unprofessional conduct, or a person who has information about alleged incidents, may seek assistance and information from the Policy 311

coordinator or College Administrator.

Communication of an incident of harassment, discrimination, or bias received by the Policy 311 coordinator or Administrator will be investigated in a timely manner, corrective measures taken as appropriate, and information fed back to the complaining party.

The investigator(s) may call on the College President, Deans, or designated College personnel for support in an investigation, and to ensure that there is no bias during the investigation.

Retaliation for an employee or student having filed or made a good faith complaint under this Policy, or for cooperating in an investigation, is strictly prohibited and will be considered a violation of Policy 311.

### Main Contacts for Harassment Complaints

Title	Last Name	First Name	Position	Office Phone	Office Email
Policy 311 Coordinator	Juskiewicz	Mary Kathryn	Director of Residence Life	802-728-1673	<a href="mailto:mjuskiew@vtc.edu">mjuskiew@vtc.edu</a>
Policy 311 Investigator	Riso	Kelly Rue	Director of Human Resources	802-728-1211	<a href="mailto:kriso@vtc.edu">kriso@vtc.edu</a>
Policy 311 Investigator	Clark	Jean-Marie	Dean of Williston Campus	802-879-2322	<a href="mailto:jclark@vtc.edu">jclark@vtc.edu</a>
Policy 311 Investigator	Fredette	Emile	Director of Public Safety	802-879-1212	<a href="mailto:efredette@vtc.edu">efredette@vtc.edu</a>
Title IX Coordinator	Juskiewicz	Mary Kathryn	Director of Residence Life	802-728-1673	<a href="mailto:mjuskiew@vtc.edu">mjuskiew@vtc.edu</a>
ADA/Section 504 Coordinator	Distel	Rosemary	Associate Academic Dean	802-728-1245	<a href="mailto:rdistel@vtc.edu">rdistel@vtc.edu</a>

### Sexual Misconduct, Sexual Assault, Domestic Violence, Dating Violence and Stalking

Vermont Technical College 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 College to respond quickly to allegations and offer support to individuals who may have been subjected to these forms of misconduct. The College 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 designated by the College are permitted by law to offer confidentiality, however those who cannot offer confidentiality are expected to handle reports discreetly. Alleged violations will be investigated promptly and thoroughly, and both the accuser and the accused will be afforded equal rights during the investigatory and adjudicatory process.

Vermont Tech will maintain up-to-date procedures for handling complaints of sexual misconduct, domestic violence, dating violence, sexual assault, and stalking as required by the Office of the Chancellor of the Vermont State Colleges. This will ensure that the process is prompt, fair and impartial. Officials who are responsible for investigating and adjudicating complaints shall receive annual training relevant to their specific duties and responsibilities so as to protect the safety of victims and promote accountability. The procedures identify the persons responsible for overseeing the development of prevention and awareness programs and outline the steps available to victims of misconduct for reporting, investigating and

adjudicating incidents of such misconduct. The procedures also contain definitions of dating violence, domestic violence, sexual assault, stalking, and consent under the criminal laws of Vermont. (See Appendix A to this report)

The College'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 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 potential violations of other policies were involved in the incident. College 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.

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.

Misconduct that does not meet the definition of sexual misconduct, domestic violence, dating violence, sexual assault, or stalking may violate other 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.

Policy 311-A: Sexual Misconduct, Domestic Violence, Dating Violence and Stalking can be found on the VSC website at this location: <https://www.vsc.edu/wp-content/uploads/2016/10/Policy-311-A-Sexual-Misconduct-Domestic-Violence-Dating-Violence-and-Stalking.pdf>

**The procedures for implementing Policy 311-A can be found at <https://www.vsc.edu/wp-content/uploads/2018/09/Policy-311-A-Procedures-9-1-18-current.pdf>**

### **Preventing Sexual Misconduct, Sexual Assault, Domestic Violence, Dating Violence and Stalking 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 to see if your relationship is going in the wrong direction:

Is your partner:

- Checking your cell phone or email without permission
- Constantly putting you down
- Extremely jealous or insecure
- Have an explosive temper
- Isolating you from family or friends
- Making false accusations
- Suffering mood swings
- Physically hurting you in any way
- Demonstrating 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>)*

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 anything.
- 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.

(“Your Role in Preventing Sexual Assault,” <https://www.rainn.org/articles/your-role-preventing-sexual-assault>)

### **Reporting Sexual Misconduct, Sexual Assault, Domestic Violence, Dating Violence and Stalking**

If you are a victim of sexual assault:

- Get to a safe place as soon as possible. Contact a trusted person for support.
- Do not wash, go to the bathroom, or change clothing, if it can be avoided. This will help to preserve physical evidence, should the you 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)

**For further information and assistance, or to initiate a complaint under Policy 311-A, contact:**

**Mary Kathryn Juskiewicz, Title IX Coordinator, Director of Residence Life**  
**Morey Hall 122-B 802-728-1673**  
[mjuskiew@vtc.edu](mailto:mjuskiew@vtc.edu)

**NOTE:** Victims of SEXUAL MISCONDUCT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING have the option to:

- Notify law enforcement;
- Obtain assistance from campus authorities in notifying law enforcement; or
- Not notify law enforcement.

Regardless of where the offense occurred, the College will provide alleged victims who report an alleged violation with an explanation of their rights and options. A victim who chooses not to notify law enforcement immediately has the option to notify law enforcement at a later time. A victim may also choose to pursue a criminal complaint and a complaint through VTC's institutional disciplinary procedures simultaneously. Please note, that where circumstances warrant, the College may report and/or investigate an alleged violation even if the alleged victim chooses not to pursue official action. The alleged victim is not obligated to cooperate in this process.

The College is committed to taking action against those who violate its code of conduct policies. A sexual misconduct violation can result in consequences up to and including criminal charges and dismissal from the College.

### **Protective Measures**

Upon request, the Title IX Coordinator, with the assistance of other administrators as appropriate, will work with victims of sexual misconduct, domestic violence, dating violence or stalking to determine whether alternative academic, transportation, working and/or living situations are available and reasonably necessary to ensure an individual's safety and well-being. 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 College. 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, facilitating access to academic support services, or changing residence hall assignments, issuing no contact and no trespassing orders, and increasing security. The College will also provide written information, as appropriate, on counseling, health, mental health, victim advocacy, legal, 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, either on campus or in the local community. The College will maintain as confidential any accommodations or protective measures provided to victims as long as confidentiality does not impair the College's ability to provide such measures.

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 interim 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.

### **Court Orders**

Vermont Tech 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, 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, Vermont Tech 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 Vermont Tech.

### **Interim Suspension**

If Vermont Tech 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 Vermont Tech operations, Vermont Tech 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.

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 (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 Vermont Tech. 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.

### **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 VSC Office of the Chancellor and Vermont Tech. Vermont Tech 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. Vermont Tech 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. The following pages list resources by site.

**Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking On-Campus: Bennington**

Counseling	Rebecca Randall	802-447-83324
Health	Rebecca Randall	802-447-8324
Mental Health	Rebecca Randall	802-447-8324
Complainant Advocacy	Mary Kathryn Juskiewicz	802-728-1673
Legal Assistance	Office of Student Affairs	802-728-1212
Visa and Immigration Assistance	Kathleen Mason	802-728-1366
Substance Abuse	Rebecca Randall	802-447-8324

**Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking Off-Campus: Bennington**

Counseling	United Counseling Services (UCS)	802-442-5491
Health	Southwestern Vt. Med Center	802-442-6361
Mental Health	United Counseling Services (UCS)	802-442-5491
Complainant Advocacy	Project Against Violent Encounters	802-442-2111
Legal Assistance	Project Against Violent Encounters	802-442-2111
Visa and Immigration Assistance	Kathleen Mason	802-728-1366
Substance Abuse	United Counseling Services (UCS)	802-442-5491

**Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking On-Campus: Brattleboro**

Counseling	Becky Steele	802-451-6619
Health	Becky Steele	802-451-6619
Mental Health	Becky Steele	802-451-6619
Complainant Advocacy	Mary Kathryn Juskiewicz	802-728-1673
Legal Assistance	Office of Student Affairs	802-728-1212
Visa and Immigration Assistance	Kathleen Mason	802-728-1366
Substance Abuse	Becky Steele	802-451-6619

**Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking Off-Campus: Brattleboro**

Counseling	Women's Freedom Center	802-254-6954
Health	Women's Freedom Center	802-254-6954
Mental Health	Women's Freedom Center	802-254-6954
Complainant Advocacy	Women's Freedom Center	802-254-6954
Legal Assistance	Women's Freedom Center	802-254-6954
Visa and Immigration Assistance	Kathleen Mason	802-728-1366
Substance Abuse	Women's Freedom Center	802-254-6954

**Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking On-Campus: Dartmouth**

Counseling	Julie Cote	802-626-6538
Health	Julie Cote	802-626-6538
Mental Health	Julie Cote	802-626-6538
Complainant Advocacy	Mary Kathryn Juskiewicz	802-728-1673
Legal Assistance	Office of Student Affairs	802-728-1212
Visa and Immigration Assistance	Kathleen Mason	802-728-1366
Substance Abuse	Julie Cote	802-626-6538

**Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking Off-Campus: Dartmouth**

Counseling	<i>Health Care and Rehabilitation</i>	802-886-4500
Health	<i>Dartmouth-Hitchcock</i>	603-650-5000
Mental Health	<i>Health Care and Rehabilitation</i>	802-886-4500
Complainant Advocacy	WISE	603-448-5525
Legal Assistance	WISE	603-448-5525
Visa and Immigration Assistance	Kathleen Mason	802-728-1366
Substance Abuse	<i>Health Care and Rehabilitation</i>	802-886-4500

**Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking On-Campus: Lyndonville**

Counseling	Julie Cote	802-626-6538
Health	Julie Cote	802-626-6538
Mental Health	Julie Cote	802-626-6538
Complainant Advocacy	Mary Kathryn Juskiewicz	802-728-1673

Legal Assistance	Office of Student Affairs	802-728-1212
Visa and Immigration Assistance	Kathleen Mason	802-728-1366
Substance Abuse	Julie Cote	802-626-6538

**Resources for complainants of Domestic Violence, Dating Violence, Sexual Assault & Stalking Off-Campus: Lyndonville**

Counseling	<i>Northeast Kingdom Human Services</i>	802-748-3181
Health	Northeastern Vermont Regional Hospital	802-535-3314
Mental Health	Northeast Kingdom Human Services	802-748-3181
Complainant Advocacy	Umbrella	802-748-8645
Visa and Immigration Assistance	Kathleen Mason	802-728-1366
Substance Abuse	Julie Cote	802-626-6538
Legal Assistance	Umbrella	802-748-8645

**Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking On-Campus: Middlebury**

Counseling	Rebecca Randall	802-447-8324
Health	Rebecca Randall	802-447-8324
Mental Health	Rebecca Randall	802-447-8324
Complainant Advocacy	Mary Kathryn Juskiewicz	802-728-1673
Legal Assistance	Office of Student Affairs	802-728-1212
Visa and Immigration Assistance	Kathleen Mason	802-728-1366
Substance Abuse	Rebecca Randall	802-447-8324

**Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking Off-Campus: Middlebury**

Counseling	The Counseling Service of Addison County	802-388-6751
Health	WomenSafe or Porter Medical Center	WomenSafe: 802-388-4205 Porter: 802-388-4701

Mental Health	<i>Northeast Kingdom Human Services</i>	(802) 748-3181
Complainant Advocacy	WomenSafe	802-388-4205
Legal Assistance	WomenSafe	802-388-4205
Visa and Immigration Assistance	Kathleen Mason	802-728-1366
Substance Abuse	The Counseling Service of Addison County	802-388-6751

**Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking On-Campus: Newport**

Counseling	Julie Cote	802-626-6538
Health	Julie Cote	802-626-6538
Mental Health	Julie Cote	802-626-6538
Complainant Advocacy	Mary Kathryn Juskiewicz	802-728-1673
Legal Assistance	Office of Student Affairs	802-728-1212
Visa and Immigration Assistance	Kathleen Mason	802-728-1366
Substance Abuse	Julie Cote	802-626-6538

**Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking Off-Campus: Newport**

Counseling	Northeast Kingdom Human Svcs.	802-334-6744
Health	North Country Hospital	802-334-3234
Mental Health	Northeast Kingdom Human Svcs.	802-334-6744
Complainant Advocacy	Umbrella	802-388-4205
Legal Assistance	Umbrella	802-388-4205
Visa and Immigration Assistance	Kathleen Mason	802-728-1366
Substance Abuse	Northeast Kingdom Human Svcs.	802-334-5246

**Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking On-Campus: Randolph Center**

Counseling	Center for Academic Success	802-728-1367
Health	Campus Nurse (Bob Sivert)	802-728- 1270
Mental Health	Center for Academic Success	802-728-1367
Complainant Advocacy	Mary Kathryn Juskiewicz	802-728-1673
Legal Assistance	Office of Student Affairs	802-728-1212
Visa and Immigration	Kathleen Mason	802-728-1366

Substance Abuse	Anne Adams	802-728-1396
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**Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking Off-Campus: Randolph Center**

Counseling	Clara Martin Center	802-728-4466
Health	Gifford Medical Center	802-728-7000
Mental Health	Clara Martin or Central Vermont Medical Center (CVMC) or Washington County Mental Health. (WCMH)	Clara Martin: 802-728-4466 CVMC: 802-371-4100 WCMH: 802-229-8000
Complainant Advocacy	Safeline	802-685-7900
Legal Assistance	Safeline	802-685-7900
Visa and Immigration Assistance	Kathleen Mason	802-728-1366
Substance Abuse	Clara Martin Center	802-728-4466

**Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking On-Campus: Springfield**

Counseling	Becky Steele	802-451-6619
Health	Becky Steele	802-451-6619
Mental Health	Becky Steele	802-451-6619
Complainant Advocacy	Mary Kathryn Juskiewicz	802-728-1673
Legal Assistance	Office of Student Affairs	802-728-1212
Visa and Immigration Assistance	Kathleen Mason	802-728-1366
Substance Abuse	Becky Steele	802-451-6619

**Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking Off-Campus: Springfield**

Counseling	Health Care and Rehabilitation Services	802-886-4500
Health	Springfield Hospital	802-885-2151
Mental Health	Health Care and Rehabilitation Services	802-886-4500
Complainant Advocacy	Women's Freedom Center	802-885-2050
Legal Assistance	Women's Freedom Center	802-885-2050
Visa and Immigration Assistance	Kathleen Mason	802-728-1366
Substance Abuse	Women's Freedom Center	802-885-2050

**Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking On-Campus: St. Albans**

Counseling	Lisa Sullivan	802-879-5967
Health	Lisa Sullivan	802-879-5967
Mental Health	Lisa Sullivan	802-879-5967
Complainant Advocacy	Mary Kathryn Juskiewicz	802-728-1673
Legal Assistance	Office of Student Affairs	802-728-1212
Visa and Immigration Assistance	Kathleen Mason	802-728-1366
Substance Abuse	Lisa Sullivan	802-879-5967

**Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking Off-Campus: St. Albans**

Counseling	Howard Center	802-488-6265
Health	Northwestern Medical Center	802-524-5911
Mental Health	Howard Center	802-488-6265
Complainant Advocacy	Voices Against Violence	802-885-2050
Legal Assistance	Voices Against Violence	802-885-2050
Visa and Immigration Assistance	Kathleen Mason	802-728-1366
Substance Abuse	Howard Center	802-488-6265

**Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking On-Campus: White River Junction.**

Counseling	Julie Cote	802-626-6538
Health	Julie Cote	802-626-6538
Mental Health	Julie Cote	802-626-6538
Complainant Advocacy	Mary Kathryn Juskiewicz	802-728-1673
Legal Assistance	Office of Student Affairs	802-728-1212
Visa and Immigration Assistance	Kathleen Mason	802-728-1366
Substance Abuse	Julie Cote	802-626-6538

**Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking Off-Campus: White River Junction**

Counseling	<i>Health Care and Rehabilitation</i>	802-886-4500
Health	<i>Dartmouth-Hitchcock</i>	603-650-5000

Mental Health	<i>Health Care and Rehabilitation</i>	802-886-4500
Complainant Advocacy	WISE	603-448-5525
Legal Assistance	WISE	603-448-5525
Visa and Immigration Assistance	Kathleen Mason	802-728-1366
Substance Abuse	<i>Health Care and Rehabilitation</i>	802-886-4500

**Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking On-Campus: Williston**

Counseling	Jean-Marie Clark	802-879-2322
Health	Jean-Marie Clark	802-879-2322
Mental Health	Jean-Marie Clark	802-879-2322
Complainant Advocacy	Mary Kathryn Juskiewicz	802-728-1673
Legal Assistance	Office of Student Affairs	802-728-1212
Visa and Immigration Assistance	Kathleen Mason	802-728-1366
Substance Abuse	Jean-Marie Clark	802-879-2333

**Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking Off-Campus: Williston**

Counseling	Howard Center	802-488-6103.
Health	Fletcher Allen	802-847-0000
Mental Health	Howard Center	802-488-6103.
Complainant Advocacy	Howard Center	802-488.6103.
Legal Assistance	Howard Center	802-488-6103.
Visa and Immigration Assistance	Kathleen Mason	802-728-1366
Substance Abuse	Howard Center	802-488-6103

**Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking On-Campus: Williston West**

Counseling	Lisa Sullivan	802-879-5967
Health	Lisa Sullivan	802-879-5967
Mental Health	Lisa Sullivan	802-879-5967
Complainant Advocacy	Mary Kathryn Juskiewicz	802-728-1673
Legal Assistance	Office of Student Affairs	802-728-1212
Visa and Immigration Assistance	Kathleen Mason	802-728-1366
Substance Abuse	Lisa Sullivan	802-879-5967

**Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking Off-Campus: Williston West**

Counseling	Howard Center	802-488-6265
Health	Northwestern Medical Center	802-524-5911
Mental Health	Howard Center	802-488-6265
Complainant Advocacy	Voices Against Violence	802-885-2050
Legal Assistance	Voices Against Violence	802-885-2050
Visa and Immigration Assistance	Kathleen Mason	802-728-1366
Substance Abuse	Howard Center	802-488-6265

Other resources available to persons who report being the complainant of sexual assault, domestic violence, dating violence, or stalking, include:

<http://www.rainn.org> – Rape, Abuse and Incest National Network

[https://cops.usdoj.gov/html/dispatch/04-2018/ovw\\_article.html](https://cops.usdoj.gov/html/dispatch/04-2018/ovw_article.html) - Department of Justice

<http://www2.ed.gov/about/offices/list/ocr/index.html> Department of Education, Office of Civil Rights

**Sex Offender Registry**

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

Vermont Sex Offender Registry

Vermont Criminal Information Center 103 South Main Street Waterbury, VT 05671

(802) 241-5400

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

**Filing a Formal Sexual Misconduct, Domestic Violence, Dating Violence, Sexual Assault, or Stalking Complaint Overview of Disciplinary Procedures**

The institutional disciplinary process is intended to provide a prompt, fair, and impartial investigation and resolution. The process will be conducted by officials who receive annual training on issues related to sexual misconduct (including sexual assault), domestic violence, dating violence, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. The College will use the preponderance of the evidence standard (i.e. whether it is more likely than not that a violation occurred).

A copy of Policy 311-A's implementing procedures applicable to complaints of sexual misconduct (including sexual assault), domestic violence, dating violence, and stalking can be found in Appendix B of this document and online at: <https://www.vsc.edu/wp-content/uploads/2018/09/Policy-311-A-Procedures-9-1-18-current.pdf>

Vermont Technical College may investigate and pursue disciplinary action against a person accused of violating Policy 311-A even if the alleged victim chooses not to file a formal complaint. Once a formal complaint has been filed alleging that an incident of sexual misconduct, domestic violence, dating violence, sexual assault, or stalking has occurred, the respondent whose conduct is the subject of the complaint will be notified of the allegations.

### **Sanctions and Determination**

Violation of the prohibitions set forth in Policy 311-A 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 College 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 or Vermont Tech 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.

### **Educational Programming**

Vermont Tech 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 and how to recognize warning signs of abusive behavior; and 4) ongoing prevention and awareness programs for student and employees. Vermont Tech and/or the VSC shall also 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 Policies and Procedures on its website and on the websites of member Colleges;
- Include links to Policy 311-A and its implementing procedures in appropriate publications to new and current 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 program;
- Develop primary and ongoing prevention and awareness programs for students and employees;
- Select and train its 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.

Vermont Technical College and all Vermont State Colleges, along with 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 among all members of the College Community. 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

### **Crime and the Campus Environment**

The Crime Awareness and Campus Security Act of 1990, as amended in 2008, is designed to give students, prospective students, parents, faculty and staff an enhanced understanding of the campus environment, security procedures on campus, and the incidence of crime. Students, parents, and employees with questions about the information in this flyer should feel free to contact the Department of Public Safety at 728-1292, or on campus extension 7-1292.

Vermont Technical College **Randolph Campus** Crime Statistics 2015 to 2017

Clery Act Reportable Offense	2015	2016	2017
Criminal Homicide	0	0	0
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	1	1	0
Motor Vehicle Theft	0	2	0
Arson	0	0	0
Domestic Violence	0	0	1
Dating Violence	0	3	1
Stalking	1	1	0
<b>Sex Offenses</b>			
Rape	0	1	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Crimes of Prejudice	1	1	0
<b>Arrest</b>			
Liquor Law Violations	5	6	0
Drug Law Violations	1	2	1
Illegal Weapons Violations	0	0	0
<b>Campus Judicial Referrals</b>			
Liquor Law Violations	15	45	46
Drug Law Violations	2	10	29
Illegal Weapons Violations	0	3	1

Vermont Technical College **Williston Campus** Crime Statistics 2015 to 2017

Clery Act Reportable Offense	2015	2016	2017
Criminal Homicide	0	0	0
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Robbery	0	0	0
Aggravated Assault	0	1	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	1	0	0
<b>Sex Offenses</b>			
Rape	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Crimes of Prejudice	0	0	0
<b>Arrest</b>			
Liquor Law Violations	0	0	0
Drug Law Violations	0	0	0
Illegal Weapons Violations	0	0	0
<b>Campus Judicial Referrals</b>			
Liquor Law Violations	2	2	1
Drug Law Violations	0	0	0
Illegal Weapons Violations	0	0	0

Vermont Technical College **Nursing Sites** Crime Statistics 2015 to 2017

Clery Act Reportable Offense	2015	2016	2017
Criminal Homicide	0	0	0
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Robbery	0	0	0
Aggravated Assault	1	0	0
Burglary	0		
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Domestic Violence	2	2	0
Dating Violence	0	0	0
Stalking	0	0	0
<b>Sex Offenses</b>			
Rape	0	2	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	2	0
Crimes of Prejudice	0	0	0
<b>Arrest</b>			
Liquor Law Violations	0	1	0
Drug Law Violations	4	5	4
<b>Campus Judicial Referrals</b>			
Liquor Law Violations	0	51	0
Drug Law Violations	0	57	0
Illegal Weapons Violations	0	0	0

*In 2017 there were 4 drug law violations in Middlebury on non-campus property.*

*In 2016 Lyndon State College reports of: 2 Rape, 1 Liquor Law arrest, 1 Drug Law arrest, 43 On-Campus Drug Referrals, 14 Off-Campus Drug Referrals, 48 On-Campus Alcohol Referrals, and 3 Alcohol Referrals on Public Property.*

*In 2016 Middlebury had 2 reports of Statutory Rape on Campus and 2 Reports of Drug Arrests on Campus.*

*In 2016 Brattleboro had 1 reported Burglary on Non-Campus property and 2 Drug Arrests on Public Property*

*In 2016 Williston had 2 reported Liquor Law referrals in the Residence Halls and 1 Aggravated Assault on Non-Campus property.*

*In 2015 Brattleboro had 2 incidents of Domestic Violence, 1 being Aggravated Domestic Assault.*

*In 2015 Middlebury had 4 drug arrests on public property.*

Vermont Technical College – **Randolph Campus** Breakdown of Crime Statistics for 2017

Clery Act Reportable Offense	On-Campus Student Housing	On Campus Other	On Campus Total	Non-campus Property	Public Property
Criminal Homicide					
Murder/Non-negligent manslaughter	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0
Robbery	0	0	0	0	0
Aggravated Assault	0	0	0	0	0
Burglary	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	
Arson	0	0	0	0	0
<b>Sex Offenses</b>					
Rape	0	0	0	0	0
Fondling	0	0	0	0	0
Incest	0	0	0	0	0
Statutory Rape	0	0	0	0	0
Domestic Violence	0	0	0	1	0
Dating Violence	1	0	1	0	0
Stalking	0	0	0	0	0
<b>Arrest</b>					
Liquor Law Violations	0	0	0	0	0
Drug Law Violations	0	1	1	0	0
Illegal Weapons Violations	0	0	0	0	0
<b>Campus Judicial Referrals</b>					
Liquor Law Violations	38	8	46	0	0
Drug Law Violations	13	16	29	0	0
Illegal Weapons Violations	0	1	1	0	0

Vermont Technical College – **Randolph Campus** Breakdown of Crime Statistics for 2016

Clery Act Reportable Offense	On Campus Student Housing	On Campus Other	On Campus Total	Non-campus Property	Public Property
Criminal Homicide					
Murder/Non-negligent manslaughter	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0
Robbery	0	0	0	0	0
Aggravated Assault	0	0	0	0	0
Burglary	1	0	1	0	0
Motor Vehicle Theft	0	0	0	0	2
Arson	0	0	0	0	0
<b>Sex Offenses</b>					
Rape	1	0	1	0	0
Fondling	0	0	0	0	0
Incest	0	0	0	0	0
Statutory Rape	0	0	0	0	0
Domestic Violence	0	0	0	0	0
Dating Violence	2	0	2	0	1
Stalking	0	1	1	0	0
<b>Arrest</b>					
Liquor Law Violations	0	6	6	0	0
Drug Law Violations	0	1	1	0	1
Illegal Weapons Violations	0	0	0	0	0
<b>Campus Judicial Referrals</b>					
Liquor Law Violations	41	4	45	1	0
Drug Law Violations	6	4	10	0	0
Illegal Weapons Violations	0	0	0	0	0

Vermont Technical College – **Randolph Campus** Crime Breakdown of Statistics for 2015

Clery Act Reportable Offense	On Campus Student Housing	On Campus Other	On Campus Total	Non-campus Property	Public Property
<b>Criminal Homicide</b>					
Murder/Non-negligent manslaughter	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0
Robbery	0	0	0	0	0
Aggravated Assault	0	0	0	0	0
Burglary	1	0	1	0	0
Motor Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0
<b>Sex Offenses</b>					
Rape	0	0	0	0	0
Fondling	0	0	0	0	0
Incest	0	0	0	0	0
Statutory Rape	0	0	0	0	0
Domestic Violence	0	0	0	0	0
Dating Violence	0	0	0	0	0
Stalking	0	0	0	1	0
<b>Arrest</b>					
Liquor Law Violations	0	4	4	0	1
Drug Law Violations	0	1	1	1	0
Illegal Weapons Violations	0	0	2	0	0
<b>Campus Judicial Referrals</b>					
Liquor Law Violations	13	1	14	1	0
Drug Law Violations	2	0	2	0	0
Illegal Weapons Violations	0	0	0	0	0

Vermont Technical College – **Williston Campus & Nursing Sites** Breakdown of Crime Statistics for 2017

Clery Act Reportable Offense	On Campus Student Housing	On Campus Other	On Campus Total	Non-campus Property	Public Property
Criminal Homicide					
Murder/Non-negligent manslaughter	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0
Robbery	0	0	0	0	0
Aggravated Assault	0	0	0	0	0
Burglary	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0
<b>Sex Offenses</b>					
Rape	0	0	0	0	0
Fondling	0	0	0	0	0
Incest	0	0	0	0	0
Statutory Rape	0	0	0	0	0
Domestic Violence	0	0	0	0	0
Dating Violence	0	0	0	0	0
Stalking	0	0	0	0	0
<b>Arrest</b>					
Liquor Law Violations	0	0	0	0	0
Drug Law Violations	0	0	0	4	0
Illegal Weapons Violations	0	0	0	0	0
<b>Campus Judicial Referrals</b>					
Liquor Law Violations	1	0	1	0	0
Drug Law Violations	0	0	0	0	0
Illegal Weapons Violations	0	0	0	0	0

Vermont Technical College – **Williston Campus & Nursing Sites** Breakdown of Crime Statistics for 2016

Clery Act Reportable Offense	On Campus Student Housing	On Campus Other	On Campus Total	Non-campus Property	Public Property
<b>Criminal Homicide</b>					
Murder/Non-negligent manslaughter	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0
Robbery	0	0	0	0	0
Aggravated Assault	0	0	0	1	0
Burglary	0	0	0	0	1
Motor Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0
<b>Sex Offenses</b>					
Rape	2	0	2	0	0
Fondling	0	0	0	0	0
Incest	0	0	0	0	0
Statutory Rape	0	0	0	2	0
Domestic Violence	0	0	0	0	0
Dating Violence	0	0	0	0	0
Stalking	0	0	0	0	0
<b>Arrest</b>					
Liquor Law Violations	1	0	1	0	0
Drug Law Violations	1	0	1	2	2
Illegal Weapons Violations	0	0	0	0	0
<b>Campus Judicial Referrals</b>					
Liquor Law Violations	50	0	50	0	3
Drug Law Violations	43	0	43	0	14
Illegal Weapons Violations	0	0	0	0	0

- In 2016 **Lyndon State College** reports of: 2 Rape, 1 Liquor Law arrest in student housing, 1 Drug Law arrest in student housing, 43 On-Campus Drug Referrals, 14 Off-Campus Drug Referrals, 48 On-Campus Alcohol Referrals, and 3 Off-Campus Alcohol Referrals
- In 2016 Middlebury had 2 reports of Statutory Rape on non-campus property and 2 Reports of Drug Arrests on non-campus property.
- In 2016 Brattleboro had 1 reported Burglary on Campus property and 2 Drug Arrests on Public Property
- In 2016 Williston had 2 reported Liquor Law referrals in the Residence Halls and 1 Aggravated Assault on Non-Campus property

Vermont Technical College – Williston Campus & Nursing Sites Breakdown of Crime Statistics for 2015

Clery Act Reportable Offense	On Campus Student Housing	On Campus Other	On Campus Total	Non-campus Property	Public Property
<b>Criminal Homicide</b>					
Murder/Non-negligent manslaughter	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0
Robbery	0	0	0	0	0
Aggravated Assault	0	0	0	1	0
Burglary	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0
<b>Sex Offenses</b>					
Rape	0	0	0	0	0
Fondling	0	0	0	0	0
Incest	0	0	0	0	0
Statutory Rape	0	0	0	0	0
Domestic Violence	0	0	0	2	0
Dating Violence	0	0	0	0	0
Stalking	0	0	0	1	0
<b>Arrest</b>					
Liquor Law Violations	0	0	0	0	0
Drug Law Violations	0	0	0	0	4
Illegal Weapons Violations	0	0	0	0	0
<b>Campus Judicial Referrals</b>					
Liquor Law Violations	2	0	2	0	0
Drug Law Violations	0	0	0	0	0
Illegal Weapons Violations	0	0	0	0	0

- In 2015 there were 2 reported incidents of Domestic Violence at the Brattleboro campus, with one being Aggravated Domestic Assault.

- In 2015 there were 4 drug arrests on public property by the Middlebury campus.

- In 2015 there were 2 Liquor Law violations in the Williston Residence Hall.

- In 2015 there was one case of stalking on Non-campus property involving a Williston student.

## 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 the College report Clery 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.

### Vermont Technical College Bias Crimes 2017

Clery Act Reportable Offense	Race	Gender	Religion	Sexuality	Ethnicity	Disability
Murder/Non-negligent manslaughter	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Any crime involving bodily Injury	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0
Intimidation	1	0	0	0	0	0
Larceny- Theft	0	0	0	0	0	0
Destruction/Damage/Vandalism of property	0	0	0	0	0	0
TOTAL	1	0	0	0	0	0

### Vermont Technical College Bias Crimes 2016

Clery Act Reportable Offense	Race	Gender	Religion	Sexuality	Ethnicity	Disability
Murder/Non-negligent manslaughter	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0

Statutory Rape	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
Any crime involving bodily Injury	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0
Intimidation	0	0	1	0	0	0
Larceny- Theft	0	0	0	0	0	0
Destruction/Damage/Vandalism of property	0	0	0	0	0	0
TOTAL	0	0	1	0	0	0

*One reported hate crime by category of intimidation (religion) on the Randolph Campus.*

**Vermont Technical College Bias Crimes 2015**

Clery Act Reportable Offense	Race	Gender	Religion	Sexuality	Ethnicity	Disability
Murder/Non-negligent manslaughter	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Any crime involving bodily Injury	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0
Intimidation	0	1	0	0	0	0
Larceny- Theft	0	0	0	0	0	0
Destruction/Damage/Vandalism of property	0	0	0	0	0	0
TOTAL	0	1	0	0	0	0

*One reported hate crime by category of intimidation (gender) on the Randolph Campus.*

## **Definition of Terms**

The following definitions are from the Code of Federal Regulations, Title 34, Subtitle B, Chapter VI, Part 668, Subpart D, Section 668.46 (October 2014); the Uniform Crime Reporting Handbook (2004); and The Handbook for Campus Safety and Security Reporting (2016).

### **The term "Campus" means:**

1. 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
2. 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 "Non Campus building or property" means:**

1. Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
2. 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.

### **Aggravated Assault is defined as:**

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. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

### **Arson is defined as:**

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.

### **Burglary is defined as:**

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.

### **Criminal Homicide--Manslaughter by Negligence is defined as:**

The killing of another person through gross negligence.

### **Criminal Homicide--Murder and Non-negligent Manslaughter is defined as:**

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

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

(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.”

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

**Domestic Violence is defined as:** “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>2</sup>

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

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 Vermont Technical College and VSC policy and is prohibited.

**Drug Abuse Violations is defined as:**

Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone’s); and dangerous nonnarcotic drugs (barbiturates, Benzedrine).

(ii) For the purposes of this definition—

**Liquor Law Violations are defined as:**

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

**Motor Vehicle Theft is defined as:**

The theft or attempted theft of a motor vehicle. (Classify as motor 53 vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned--including joyriding.) commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

**Rape is defined as:** 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.

**Robbery is defined as:**

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or

**Sex Offenses are defined as:** 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, 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>5</sup>

Stalking is defined as: (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.

**APPENDIX A Vermont Criminal Statute Definitions of Domestic Violence, Sexual Assault, and Stalking. Domestic Violence (defined in 15 V.S.A. § 1151)**

**15 V.S.A. § 1101 Definitions**

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

**"Abuse"** means the occurrence of one or more of the following acts between family or household members:

- a. Attempting to cause or causing physical harm.
- b. Placing another in fear of imminent serious physical harm.
- c. Abuse to children as defined in subchapter 2 of chapter 49 of Title 33.
- d. Stalking as defined in 12 V.S.A. § 5131(6).
- e. Sexual assault as defined in 12 V.S.A. § 5131(5).

**"Domestic violence"** means an act of abuse as defined in subdivision 1101(1) of this title and includes a threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law enforcement officers.

**"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.

**There is no separate definition of "dating violence" in the Vermont Statutes. The above statutory definition of domestic violence captures all incidents characterized by VAWA as dating violence.**

**Sexual Assault (defined in 15 V.S.A. § 1151)**

**"Sexual assault"** means an act of assault as defined in 13 V.S.A. § 3252(a) or (b) (sexual assault) or 3253(a) (aggravated sexual assault), and includes a threat of such acts, regardless of whether these acts or threats have been reported to law enforcement officers.

**Sexual assault (13 V.S.A. § 3252)**

- 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.

**NOTE: For the purposes of the above, the following definitions should be used (from 13 V.S.A. § 3251):**

- (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) "Consent" means words or actions by a person indicating a voluntary agreement to engage in a sexual act.

### **Stalking (13 V.S.A. § 1061)**

"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. 23

(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.

## APPENDIX B. 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 fortyeight 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 COMPLAINT1**

### **(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.

1 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

2 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.

<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;
- 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 National Headquarters  
 Office for Civil Rights Office for Civil Rights  
 8th Floor Lyndon Baines Johnson Dep't of Education Bldg  
 5 Post Office Square 400 Maryland Avenue, SW  
 Boston, MA 02109-3921 Washington, DC 20202-1100  
 Telephone: 617-289-0111 Telephone: 800-421-3481  
 FAX: 617-289-0150 FAX: 202-453-6012  
 TDD: 800-877-8339 TDD: 800-877-8339  
 Email: OCR.Boston@ed.gov Email: 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

**Revised 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  
 (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  
 (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  
 (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  
(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  
(802) 654-0690

**Robert "Bo" Finnegan**, Deputy Title IX Coordinator  
Director of Human Resources  
660 Elm Street, Montpelier, VT 05602  
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  
(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  
(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  
(802) 626-4865

Vermont Technical College: **Mary Kathryn Juskievicz**, Title IX Coordinator  
Director of Residence Life  
Room 122B, Office of Student Affairs  
124 Admin Drive, Randolph Center, VT 05061  
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, 8th 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:

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- (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.

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(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

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(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.

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(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.’

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(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.

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(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**

**Addison County**

Addison County Unit for Special  
Investigations

Fred Saar

Executive Director

35 Court Street

Middlebury, VT 05753

(802) 274-5724

[Fred.Saar@partner.vermont.gov](mailto:Fred.Saar@partner.vermont.gov)

**Bennington County**

Bennington County Child

Advocacy Center/ SIU

Joy Kitchell

Executive Director

P.O. Box 163

129 Elm Street

Bennington VT 05201

(802) 442-5107

[Joy.Kitchell@partner.vermont.gov](mailto:Joy.Kitchell@partner.vermont.gov)

**Caledonia and Southern Essex  
Counties**

Caledonia Children's Advocacy  
Center/SIU

Christopher St. Cyr

Executive Director

PO Box 272

Saint Johnsbury, VT 05819

(802) 424-1227

[Christopher.StCyr@partner.vermont.gov](mailto:Christopher.StCyr@partner.vermont.gov)

**Chittenden County**

Chittenden Children's Advocacy  
Center/CUSI

Veronica Rathgeb  
Executive Director  
50 Cherry Street, Suite 102  
Burlington, VT 05401  
(802) 652-0991  
vrathegb@bpdvt.org

**Franklin & Grand Isle Counties**

Northwest Unit for Special  
Investigations NUSI/CAC  
Robert White  
Executive Director  
5 Lemnah Drive  
St. Albans, VT 05478  
(802) 524-7961  
Robert.White@vermont.gov

**Lamoille County**

Lamoille County Special  
Investigation Unit/CAC  
Tracy Patnoe  
Executive Director  
P.O. Box 16  
Hyde Park, VT 05655  
(802)-851-8116  
info@lamoillesiu.org

**Orange County**

Orange County SIU/CAC  
Patti Shane  
Executive Director  
354 VT Route 110  
PO Box 254  
Chelsea, VT 05038  
(802) 685-4712  
pshane@orangecountyvt.gov

**Orleans & Northern Essex Co.**

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  
Dawn.kelly@partner.vermont.gov

**Rutland County**

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  
Wendy.Loomis@partner.vermont.gov

**Washington County**

OUR House of Central Vermont,  
Inc. CAC/SIU  
Rebecca Duranleau  
Executive Director  
38 Summer Street  
Barre, Vermont 05641  
(802) 476-8825  
ourhousebarredirector@gmail.com

**Windham County**

Windham County Safe Place  
CAC/ SUSI  
Alyssa Todd  
Executive Director  
112 Hardwood Way  
Brattleboro, VT 05301  
(802) 579-1358  
Alyssa.todd@partner.vermont.gov

**Windsor County**

The CACs of the Family Place/  
Windsor County SIU  
Julie Gaudette, Director  
319 US Route 5, South  
Norwich, VT 05055  
(802) 295-3882  
julie@the-family-place.org