

# Student Handbook

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Post-Baccalaureate Certificate in *Learning Differences and Neurodiversity* (LDN)





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## Purpose of this Handbook

This handbook outlines the Student Rights, Responsibilities and Conduct expectations for Landmark College Post-Baccalaureate Certificate students (hereinafter referred to as *students*), faculty, and staff. Academic Policies for the Post-Baccalaureate Certificate can be found in the [Landmark College Academic Catalog](#)

The Landmark College community of students, faculty, and staff are committed to fostering both the skills and enthusiasm necessary for personal growth and continuing education. The specific policies and procedures contained in this handbook originate from the basic concept of recognizing each person as an individual worthy of respect, trust, dignity and fair treatment. All students who have enrolled at Landmark College agree to abide by these policies and procedures which are intended to promote mutual respect, safety, ethical awareness and a congenial environment, conducive to effective living and learning.

## Addendums and Changes

The policies in this handbook are reviewed and updated each year. Landmark College reserves the right to add, modify or amend any part of this handbook during the academic term. The College will inform students, faculty and staff through various means when any changes to this handbook are made. These changes will supersede any previously published policies on the same topic.

## Standards of Conduct

All students and staff of Landmark College are members of a unique educational community, whose goal is to enable each student to tap their full potential for success. Such a challenging goal requires tremendous individual effort on the part of each student and cooperative effort on the part of each member of the Landmark community. The guiding principles of the Landmark community include hard work, respect for others and oneself, honesty, personal accountability, and careful organization of time and materials. The following standards of conduct are examples and general expectations for all student members of the Landmark College community:

1. **Honesty:** Students will exhibit honesty in academic endeavors and in all aspects of campus life.
2. **Safety:** Students will make a commitment to contribute to a safe, clean, congenial, and productive living & learning environment.
3. **Understanding:** Students will make a commitment to understand their own strengths and challenges, and to work towards academic and personal growth.
4. **Respect for Others:** Students will show respect for the feelings, time, efforts, and physical well-being of others, and for their capacity for growth.
5. **Respect for Property:** Students will show respect for the property and materials of Landmark College as well as the personal property of all members of the Landmark community.

6. **Respect for Community:** Students will respect the rules and regulations of Landmark College and its governing bodies, and the laws of the State of Vermont and of the United States.

It is expected that all members of our community will conduct themselves responsibly in accordance with the policies and regulations outlined in this as well as the undergraduate student handbook. Actions that are inconsistent with the ideals of this community or are prejudicial to the best interests of the College will be addressed by the College through the disciplinary process.

Landmark College reserves the right to impose disciplinary sanctions, up to and including expulsion, for violations of College policies or for the commission of illegal acts (on or off campus) or for any action it deems to be detrimental to the student's performance, or which would be harmful to the welfare of the College, which would disrupt the academic process of the College.

For a full description of the College's formal disciplinary procedures, please see the undergraduate student handbook.

## Student Rights & Responsibilities

As a member of the Landmark College community all students have the right to expect the following:

- Rules, regulations, student rights and responsibilities apply to all students.
- Students at Landmark College have the right to protection against discrimination.
- Landmark College follows all the applicable laws which may prohibit discrimination on the basis of sex, age, religion, disability, ancestry, place of birth, race, color, sexual orientation, or national or ethnic origin in the administration of its educational, admissions, financial aid, and employment policies and programs. Students, in turn, are expected to uphold Landmark's nondiscriminatory policies.
- Students at Landmark College have the right to interact in an environment conducive to learning, where reasonable accommodations and services are provided and issues of health, safety, and civility are addressed. At the same time, they share responsibility for creating and maintaining such an environment.
- Students at Landmark College have the right to take reasoned exception to the materials or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for fulfilling the obligations of any course in which they are enrolled.
- Students at Landmark College have the right to protection against prejudiced or capricious academic evaluation. At the same time, they are responsible for maintaining standards of academic performance established for each course in which they are enrolled.

- Students at Landmark College have the right to express their views, individually and collectively, on issues of institutional policy and on matters of general interest to the student body.
- Students at Landmark College have the same rights to the freedom of speech, peaceful assembly, and petition enjoyed by all United States citizens. As members of the Landmark College community, they are also subject to Landmark College's rules and regulations. While Landmark recognizes the personal and intellectual development that may attend students' exercise of their rights on or off campus or through Landmark College online portals, students must exercise these rights within the limits of their obligations to the Landmark College community.
- Students at Landmark College have the right to know the standards of conduct expected of them. In addition to the standards that common sense requires of all adults, the standards of behavior which Landmark College considers essential to its educational mission in the online environment that supports the post-baccalaureate program are outlined in the Post-baccalaureate section of the college catalog.

## Accommodations Policy and Procedures

### Accommodations Policy Statement

Landmark College fully supports and recognizes the standards set forth in Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990, and similar state laws ("applicable law"), which are designed to eliminate discrimination against qualified individuals with disabilities.

Disabilities may include physical or mental impairments which substantially limit one or more of a person's major life activities, and which necessitate modifications to Landmark College's facilities, programs, or services.

Landmark College is committed to making reasonable accommodations for qualifying students, faculty, and employees with disabilities as required by applicable laws. Landmark College is committed to making the campus and its facilities accessible as required by applicable laws.

Landmark College cannot make accommodations that are unreasonable, unduly burdensome or that fundamentally alter the nature of its programs or services.

### Section 504 & ADA Coordinator

Landmark College designates the Vice President for Student Affairs to coordinate its efforts to comply with and carry out its responsibilities under Section 504 of the Rehabilitation Act of 1973. Section 504, where applicable, generally prohibits discrimination in educational programs and employment, against qualified individuals with disabilities, on the basis of disability.

The Vice President for Student Affairs also serves as the primary ADA Coordinator for students. The Dean for the School of Education serves as the designated ADA coordinator for students regarding academic and academic support accommodations. Other individuals may be

designated by the 504/ADA Coordinator, and references throughout this policy to the 504/ADA Coordinator should be read as also including designees of the 504/ADA Coordinator.

Landmark College has established a process to facilitate the reasonable accommodation of students with disabilities. Landmark's ADA Coordinator certifies eligibility for accommodation under the ADA for students presenting documented evidence of qualifying disabilities (including qualifying physical disabilities, learning disabilities, attention deficit disorders, psychological disabilities, medical disabilities, and covered students in drug or alcohol recovery), and, using an interactive process that includes other appropriate members of the Landmark College administration to serve as an accommodations team, reviews and acts upon all student requests for reasonable accommodations based on an individualized assessment of each request.

The ADA Coordinator reserves the right to recommend and approve accommodations that differ from the specific approaches suggested by the student, or by individuals documenting the student's disability, so long as the accommodations achieve the objective of program accessibility as required by law. The ADA Coordinator, in coordination with appropriate campus personnel, coordinates and facilitates the implementation of accommodations that have been deemed reasonable and appropriate in light of the nature of a student's disability and in consideration of the individual's academic requirements.

### Certification and Accommodation Procedures

All requests for accommodation, inquiries about the scope of this policy, and related procedural questions should be directed to the 504/ADA Coordinator. The 504/ADA Coordinator administers this policy and procedure, and is the College's designated Section 504 Coordinator. The 504/ADA Coordinator will address accommodation requests through the following two-stage process.

#### Certification

The first step in the process requires that students provide information from which the College can determine whether the student is a person with a disability within the scope of this policy. Such certification is a prerequisite to the *reasonable accommodation dialogue* described in this policy.

Students seeking certification must fill out an [Accommodation Request Form](#) and provide the information and documentation requested on the form. The form requests, among other things:

1. a description of the impairment, and a description of the manner in which it substantially limits one or more major life activities;
2. a description of the specific accommodations requested; and
3. documentation consisting of reports and clinical information from objective professionals qualified to diagnose the impairment at issue, verifying the nature and extent of the impairment, and the manner in which the impairment limits a major life activity (see Documentation, below).



The [Accommodation Request Form](#) and documentation should be submitted to the Vice President for Student Affairs as far in advance of the period for which the accommodations are requested as possible. The College may not be able to arrange for accommodations that are not requested in a timely manner. At its discretion, the College may allow for temporary accommodations while awaiting documentation or the execution of the full accommodations policy requirements.

The Vice President for Student Affairs reviews the [Accommodation Request Form](#) and the accompanying documentation, and, in consultation & coordination with the appropriate College resources and administration, pursues one of the following courses of action:

1. certifies the student's eligibility for accommodation under this policy; or
2. finds that there is insufficient information to certify the student's eligibility, and through a written or e-mail communication, either
  - a. denies the student's request for certification and accommodation and informs the student of the available channels of appeal; or
  - b. requests additional information.

### Accommodation Dialogue

Once a student has been certified as a student with a disability within the scope of this policy and is therefore deemed eligible for accommodation within the scope of this policy, the 504/ADA Coordinator reviews the student's request for accommodation(s) and consults and works with the student and other appropriate members of the College administration to formulate and communicate a proposed course of action that would constitute a reasonable accommodation of the student's disability, given the nature and extent of the disability, the student's compensatory skills, course or program requirements (to the extent applicable, given the scope of this policy and the College's unique curriculum), and College resources.

In reaching certification and accommodation decisions, the 504/ADA Coordinator may, in their discretion, consult discretely and/or confidentially with appropriate professionals within and/or outside the College regarding the interpretation, appropriateness and validity of requests and documentation submitted in connection with this procedure.

The College reserves the right to recommend accommodations that differ from the specific approaches suggested by the student or individuals documenting the student's disability, so long as the accommodations proposed by the 504/ADA Coordinator achieve the objective of program accessibility as required by law.

Agreed-upon accommodations will be documented in a written accommodations plan that will be signed by the student and the 504/ADA Coordinator. If accommodations are not agreed upon, the 504/ADA Coordinator will provide to the student a written (or e-mail) description of what accommodations were deemed reasonable and offered by the College.

If accommodations acceptable to the student cannot be developed through cooperative dialogue, the student may appeal the decision of the 504/ADA Coordinator through the Appeals Process described in Section III below.

## Role of the Student

Landmark College neither imposes accommodations on its students nor pre-empts their responsibilities, as legal and social adults, to identify their accommodation within the scope of this policy and to ensure that these needs are being met. It is the student's responsibility to initiate the certification process described above by:

1. completing the [Accommodation Request Form](#) in a timely manner;
2. ensuring that the 504/ADA Coordinator has received appropriately current, adequate and comprehensive medical and/or psychological documentation of a disability and the manner in which it limits a major life activity relevant to the student's participation in Landmark's programs.

A student who has received disability certification must work cooperatively with the 504/ADA Coordinator and other designated staff and faculty to determine and sustain reasonable and appropriate academic accommodations.

Once a written accommodation plan has been agreed upon by the student and the 504/ADA Coordinator, the student is responsible for taking reasonable steps to ensure that the plan is meeting his or her accommodation. Students are therefore responsible for:

1. Communicating with designated administrators, faculty & staff;
2. Keeping appointments with designated administrators, faculty & staff to avoid delays in implementation; and
3. Conferring with designated administrators, staff, and the 504/ADA Coordinator as necessary regarding the effectiveness of accommodations.

If a student perceives a need for additional accommodations or for the modification of existing accommodations, the student must request, in writing, a revision of the accommodation plan. Such requests should be addressed to the 504/ADA Coordinator. Providing reasonable accommodations requires timely student input. It may be impossible to arrange accommodations that are not requested in a timely manner.

## Documentation

The College requires appropriately current documentation of any disabilities for which accommodation is requested under this policy, provided at the expense of the student requesting accommodation, prior to making certification or accommodation decisions. Documentation of impairments furnished by the student will be handled discretely and will only be shared in a manner consistent with other College policies and practices and student authorizations regarding student medical or psychoeducational records.

Since insufficient information may jeopardize the accommodations process, the College reserves the right to request additional documentation considered necessary to the formulation of a reasonable and appropriate accommodation plan. The cost of obtaining any such additional documentation shall be borne by the student. The College also reserves the right to request an independent evaluation by a professional of its choosing. The cost of obtaining any such independent evaluation shall be borne by the College.

Generally, documentation must:

1. be prepared by an objective professional qualified in the diagnosis of such conditions;
2. demonstrate the manner in which the impairment substantially limits the student's performance of one or more major life activities;
3. include information regarding the testing procedures followed, the instruments used to assess the impairment, the test results, and a written interpretation of these results as they pertain to an educational environment and/or participation in the College's programs;
4. reflect the student's present level of functioning in the areas related to the particular accommodations being sought;
5. be appropriately recent, e.g., prepared within the last several years before the first request for accommodation.

In the absence of the documentation outline above, the College may consider the following as sufficient for establishing disability and a need for accommodation when structured by an interview or questionnaire:

1. The student's self-report of their experience of a disability, barriers, and effective and ineffective accommodations.
2. The impressions and conclusions formed by qualified professionals during interviews and conversations with the student.
3. An evaluation of the effectiveness of previously implemented or provisional accommodations. Experienced disability professionals should feel comfortable using their observations of students' language, performance, and strategies as an appropriate tool in validating student narrative and selfreport.

The 504/ADA Coordinator determines whether the documentation submitted is adequate to support certification or a requested accommodation and whether the individual preparing the documentation is qualified to make the diagnosis at issue.

## Appeal Procedures

A student may appeal any decision made under this policy by the 504/ADA Coordinator that is communicated in writing or by e-mail. Appeals may be based upon, for example: newly discovered evidence; a challenge to a decision not to certify a student as a person with a disability within the scope of this policy; a challenge to a decision not to provide a particular accommodation; and/or issues regarding documentation of disabilities.

Any appeal must be submitted to the Office of the President of the College within 10 calendar days of the written (or e-mail) decision appealed. The appeal should state the grounds for the appeal in detail. A copy of the appeal must also be provided to the 504/ADA Coordinator at such time. The President will either decide the appeal personally, or will designate another administrative official to do so. Temporary relief pending appeal, in the form of the accommodations sought or otherwise, may be requested in writing along with the appeal. Such relief may be granted by the President or designated administrative officer, at his or her discretion.

As soon as practicable following receipt of the copy of the appeal from the student, the 504/ADA Coordinator will provide to the President's Office a copy of the student's Accommodation Request Form, attached documentation, and record of other communications with the student or other documents that might be relevant to the appeal. The President or designated official may review such documents in reaching a decision on the appeal.

The President or designated administrative officer may, at his or her discretion:

1. grant the appeal and order that the requested accommodation be provided as requested;
2. propose an alternative accommodation, and remand the matter to the 504/ADA Coordinator so that an accommodation dialogue may be had regarding the proposed alternative (another appeal may follow if that does not resolve the matter);
3. request more information from the student, the 504/ADA Coordinator, and/or other appropriate individuals;
4. deny the appeal, which would be the College's final decision; or
5. take other action deemed appropriate at the discretion of the President or administrative officer.

### Complaints Regarding Disability-Related Harassment and Discrimination

In addition to the above-stated appeals process regarding accommodations decisions, students who feel that they have been harassed or discriminated against on the basis of their disability, in violation of Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, or other applicable law, may file a formal or informal complaint with the College or otherwise, as described in the harassment policy found elsewhere in the Student Handbook.

### Assistance for Students with Temporary Impairments

While not required by applicable law or this policy, the Vice President for Student Affairs may be able to arrange limited assistance for temporarily impaired students at the discretion of the Vice President for Student Affairs and other College offices or programs. It must be understood that the Vice President for Student Affairs' voluntarily providing or arranging such help does not mean the temporarily injured or impaired student qualifies or is certified as an individual with a disability under applicable law or within the scope of this policy. If you have questions about what assistance the College may be able to provide in the event of a temporary impairment, you should contact the Vice President for Student Affairs.

## Notice of Non-Discrimination

Landmark College follows all the applicable provisions of state and federal law which prohibit discrimination on the basis of sex, age, religion, creed, disability, ancestry, place of birth, race, color, sexual orientation, gender identity or expressions, marital status, or national or ethnic origin in the administration of its educational, admissions, financial aid, and employment policies and programs. The following persons have been designated to handle inquiries regarding the non-discrimination policies:

**For Students:** Vice President for Student Affairs, Office of Student Affairs, Strauch Family Student Center, Landmark College, 19 River Rd South, Putney, Vermont, 05346, (802) 387-6713

**For Faculty & Staff:** Director of Human Resources, Administration Building, Landmark College, 19 River Rd South, Putney, Vermont, 05346, (802) 387-6814.

Discrimination complaints are processed in accordance with the procedures set forth in Landmark College's ***Anti-Harassment Policy***. Complaints about sexual harassment, sexual misconduct, domestic and dating violence and stalking are handled in accordance with Landmark College's ***Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy & Procedures***.

## Anti-Hazing Policy

Landmark College joins many national organizations and other colleges and universities in support of the elimination of hazing. Landmark College supports only those activities which are educational, constructive, and contribute to the intellectual and personal development of students. The College unequivocally opposes any situation created intentionally to produce mental or physical discomfort, embarrassment, harassment or ridicule.

Landmark College interprets hazing as any act, whether physical, mental, emotional, or psychological, which subjects another person, voluntarily or involuntarily, to anything that may abuse, mistreat, degrade, humiliate, harass, or intimidate him or her, or which may in any fashion compromise their inherent dignity as a person.

## Anti-Harassment Policy

Landmark College is committed to maintaining a campus environment where students are not subjected to bigotry and discrimination on the basis of sex, age, religion, creed, disability, ancestry, place of birth, race, color, sexual orientation, gender identity or expressions, marital status, or national or ethnic origin or other characteristics as protected by applicable law. Such harassment is against College policy and may be illegal under state and federal laws and regulations.

Landmark College defines harassment as verbal or physical conduct which has the purpose or effect of creating an intimidating, hostile or offensive educational or living environment on the basis or because of a student's sex, age, religion, creed, disability, ancestry, place of birth, race,

color, sexual orientation, gender identity or expressions, marital status, or national or ethnic origin or other characteristics as protected by applicable law, and which would create such an environment for a reasonable person under the circumstances.

Such harassment may include, for example, repeated slurs, taunts in the guise of a joke, disparaging remarks, or physically threatening or inappropriate conduct, when such is directed at a person or group of persons because of their sex, age, religion, creed, disability, ancestry, place of birth, race, color, sexual orientation, gender identity or expressions, marital status, or national or ethnic origin. Retaliation against a student for filing a complaint in good faith under this policy is strictly prohibited, and, if proven, would be considered a violation of this policy.

Landmark College recognizes that the protection of free and open speech and the open exchange of ideas are important to any academic community. This recognition is therefore an important element in the “reasonable person” standard used in judging whether harassment has occurred. This policy is meant neither to proscribe nor to inhibit discussion, in or out of the classroom, of complex, controversial or sensitive matters, when in the judgment of a reasonable person they arise appropriately and with respect for the dignity of others. Landmark College also recognizes, however, that verbal conduct can be used specifically to intimidate or coerce and to inhibit genuine discourse, free inquiry and learning. Such abuses are unacceptable. If someone believes that another’s speech or writing is offensive, wrong or hurtful, they are encouraged to express that judgment in the exercise of their own free speech or to seek redress under the noted procedure(s) when appropriate.

This policy is intended to protect all Landmark College students and applies to the conduct of Landmark College students, faculty, administrators and staff. Any person who feels that they have been harassed or retaliated against as defined in this policy may file a formal grievance with the Vice President for Student Affairs, in accordance with the procedures outlined in the Grievance Policies and Procedures below. Students should note that sexual harassment is also separately addressed in the College’s Sexual Harassment Policy and Sexual Assault and Sexual Harassment Procedure.

## Compliance with College Officials

All students of Landmark College are expected to comply with all requests and directives made by College staff members who are appropriately exercising their responsibilities. This includes, but is not limited to residential staff, Security staff, building managers, Facilities staff, faculty members, program directors and deans.

## Computer, Network & E-Mail Use Policy

The following summarizes the College’s general policies on computer, network and e-mail use. For the full policy, please see the undergraduate Student Handbook.

- Computing and networking resources at Landmark College are provided for academic and administrative purposes in support of the College mission. All third-party platforms provided or used by the College including, but not limited to Canvas, Microsoft Office,

OneDrive, Ellucian Self-Service, GoToMeeting, Skype for Business, or other conferencing/instructional platforms fall under the scope of this policy.

- Users must respect the rights of other users, respect the integrity of the systems and related physical resources, and observe all relevant laws, regulations, and contractual obligations.
- All messages created, sent, or retrieved over the Internet or the College's systems, including its mail system, are the property of the College. The College reserves the right to inspect files or e-mail and take appropriate action without notification if there is reasonable belief that there has been intentional or inadvertent disruption to the College's network or other shared resources or if there is suspected violation of College policies or applicable laws.
- Misuse of computing, networking or information resources may result in the loss of computing and/or network access and/or prosecuted under applicable statutes.
- The College reserves the right to limit or restrict access to the Internet or to its network-based information technology resources on the basis of institutional priorities, bandwidth constraints, or College policies.
- It is not acceptable for faculty, staff, and students . . .
  - To use a login name and password assigned to someone else.
  - To use excessive network bandwidth.
  - To violate copyright laws and their fair use provisions through inappropriate reproduction and/or distribution of copyrighted music, especially MP3 files, movies, computer software, images, etc.
  - To use applications that hinder or interfere with the use of the network by others.
  - To use the campus network to gain unauthorized access to any computer systems.
  - To attempt to circumvent data protection schemes or uncover security loop holes.
  - To associate an unapproved domain name with a Landmark owned IP address.
  - To knowingly or carelessly perform an act that will interfere with the normal operation of computers, terminals, peripherals, or networks.
  - To use electronic mail or other communications of the College network to harass or threaten others or to display or send sexually explicit or sexually harassing images or text. or messages that may be reasonably construed as harassment nor may it be used for any communications that contain ethnic slurs, racial epithets, or anything that may be reasonably construed as disparagement of others based on race, national origin, sex, sexual orientation, age, disability, or religious or political beliefs.
  - To send unauthorized broadcast messages to all or part of the Landmark community.
  - To transmit or reproduce materials that are slanderous or defamatory in nature, or that otherwise violate existing laws or College regulations.



- It is the user's responsibility to secure, back up, and to protect their data. Users agree by virtue of access to the College's computing and e-mail systems, to indemnify, defend, and hold harmless the College for any suits, claims, losses, expenses or damages, including but not limited to litigation costs and attorney's fees, arising from or related to the user's access to or use of College e-mail and network systems, services, and facilities.

## Access to Records (Notification of Students' Rights under FERPA)

The following is provided to satisfy the notice requirements of the Family Educational Rights and Privacy Act of 1974 ("FERPA") and is not intended to create contractual or other rights or remedies beyond any created by FERPA itself. FERPA affords students certain rights with respect to their education records. As a summary, these rights include:

1. The right to inspect and review the student's education records within 45 days of the day the College receives a request for access. A student should submit to the registrar, dean, head of an academic department, or other appropriate official, a written request that identifies the record(s) s/he wishes to inspect. The College official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the College official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
2. The right to request the amendment of an education record that the student believes is inaccurate. The student should write to the College official responsible for the record, clearly identify the part of the record s/he wants changed, and specify why it is inaccurate. If the College decides not to amend the record as requested by the student, the College will notify the student of the decision and advise the student of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

There are many circumstances under which FERPA authorizes disclosure without consent. Some examples of such circumstances include:

- a. Disclosure to school officials with legitimate educational interests. A school official is a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including security personnel and health staff); a person or company with whom the College has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing their tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility.



- b. Disclosure to parents of dependent students. If a student is claimed as a dependent by either parent for tax purposes, then education records and information there from may be disclosed to either parent (whether custodial or not).
  - c. Disclosure to parents regarding the student's violation of any law or College policy governing the use or possession of alcohol or a controlled substance, if the College determines that the student has committed a disciplinary violation with respect to such use or possession.
  - d. Disclosure to officials of another school in which a student seeks or intends to enroll, upon request of the officials of the other school.
  - e. Disclosure of "directory information," unless the student objects to disclosure as provided below. "Directory information" is information included in a student's educational records, the disclosure of which would not generally be considered harmful or an invasion of privacy. "Directory information" for purposes of this policy includes but is not limited to the following: a student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees, honors and awards received, e-mail addresses, electronic or photographic images of a student, and the most recent previous educational agency or institution attended. **If a student does not wish to have directory information disclosed without consent, s/he must so inform the Registrar in writing within 10 days of the start of any semester.**
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the College to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:
- Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-4605

## Formal Disciplinary Procedures

It is expected that all members of our community, including our on-line community, will conduct themselves responsibly in accordance with the policies and regulations outlined in this handbook. Actions that are inconsistent with the ideals of this community or are prejudicial to the best interests of the College will be addressed by the College through the disciplinary process.

Landmark College reserves the right to impose disciplinary sanctions, up to and including expulsion, for violations of College policies or for the commission of illegal acts (on or off campus) or for any action it deems to be detrimental to the student's performance, or which would be harmful to the welfare of the College, which would disrupt the academic process of the College.

When the College becomes aware that criminal charges have been brought against a student by local, state, or federal authorities, the College reserves the right to suspend or expel that student from the College.

The College reserves the right to address all matters through its disciplinary process. Any disciplinary proceedings and resulting sanctions, either before or after the findings of a court of law, do not constitute double jeopardy. The principle of 'double jeopardy' or the principle of being tried twice for the same offense, does not apply to the College's disciplinary proceedings. Landmark College's disciplinary system relies on the standard of proof of 'a preponderance of the evidence' or 'more likely than not'. This means that an administrative hearing or conduct board must believe that there is more than a 50% likelihood that the actions or behavior in question did occur.

The description of disciplinary procedures set forth below is not intended to require progressive discipline. Disciplinary intervention may begin at any level. There is no requirement that interventions follow the levels in sequence, or that all levels must be used in the process. The determination of the appropriate discipline, including suspension or expulsion from the College or Certificate program shall be at the discretion of the President of the College, Vice President for Educational Research & Innovation, Dean of the School of Educational Research & Innovation, Vice President of Student Affairs, or their designees as appropriate. Each incident will be considered individually. The procedures set forth should not be considered to be a promise for specific treatment in specific situations.

The College may immediately suspend or dismiss a student who poses a continuing danger to self, persons or property, or who poses an ongoing threat of disruption to the academic progress of the College prior to or subsequent to the disciplinary procedures described in this Handbook.

The President of the College has the ultimate decision-making authority in all matters relating to carrying out the College's policies, including matters relating to discipline and suspension or expulsion.

### Goals of the Disciplinary Process

- Re-affirm community standards
- Align student behavior with standards
- Hold students accountable
- Assist in making future choices
- Consider the consequences in advance
- Determine, with the student, the reasons for misconduct.

### Intervention Meetings

Difficulties experienced by a student may be addressed by a faculty or staff member through formal or informal intervention meetings. Such intervention meetings typically occur when

difficulties arise, such as inappropriate behavior and/or language, lack of attendance or academic engagement, or poor social decision-making.

The outcomes of an intervention between the student and the facilitator may range from verbal agreements to written mandatory structures meant to address the issues or behaviors being addressed. The facilitator of an intervention meeting may also recommend that a student be required to attend an Administrative Hearing.

### Administrative Hearings

A student who is alleged to be involved in violations of College policy, in repeated violations of College policies after interventions have occurred, or who needs to be held more strictly accountable for behaviors agreed upon in previous interventions may be required to attend an Administrative Hearing.

Typically, an Administrative Hearing is convened and facilitated by the Vice President for Educational Research & Innovation, Dean of the School of Educational Research & Innovation, Vice President of Student Affairs, or their designees as appropriate. Other staff and faculty with relevant information may be invited to attend Administrative Hearings. Legal counsel may not appear as support persons in Administrative hearings unless the respondent is concurrently facing criminal prosecution for the conduct which is the subject of the College procedure. In that circumstance, the counsel may be present and advise the student or respondent but will not be allowed to directly address the College.

The outcomes of an Administrative Hearing may include (but not be limited to) placing a student on sanctions such as Warning, Probation, Deferred Suspension from the College, Suspension from the College or Expulsion. Educational and other restorative sanctions may also be imposed.

### Disposition Without an Administrative Hearing/Dean's Sanction

In academic or non-academic cases where the facts are not in dispute, and the student is prepared to accept responsibility for their actions, the College may offer the option of Disposition Without an Administrative Hearing, also called a Dean's Sanction.

The *Disposition Without an Administrative Hearing* option is *not* akin to the plea bargain option in a United States court of law, whereby a lesser sanction is offered in exchange for an admission of guilt. Rather, the College would offer a sanction meant to approximate the kind of sanction that would be levied by an Administrative Hearing.

If the student agrees, the student signs a letter indicating their acceptance of responsibility, and acceptance of the sanction. This process replaces the disciplinary hearing. No appeal option is available for students who accept a Dean's Sanction. If the student initially inquires but eventually does not wish to accept this sanction, an Administrative Hearing will take place.

A Dean's Sanction is not an available option after a hearing has taken place.

## Appeals

A student who wishes to appeal the decision of an administrative hearing may do so with the President of the College or their designee. Appeals must be submitted in writing to the appeal officer within three (3) business days of the initial decision.

Appeals will be considered only on the grounds that the evidence was insufficient to warrant the action taken by the College or the decision was inconsistent with existing College policy. The President will determine if the decision and sanctions will be upheld, reversed or modified. The President's decision on appeals is final.

## Withdrawal Before a Hearing

If a student withdraws from the College before a hearing occurs, the charges will remain pending in the student's file. If a student requests re-enrollment at a future date, the College may require the completion of a separation from the College and educational/developmental sanctions similar to those if the student had been found responsible for the violation before the student can return or may require a hearing to be held. This is at the discretion of the Vice President for Educational Research & Innovation, Dean of the School of Educational Research & Innovation, Vice President of Student Affairs, or their designees as appropriate. Students may also return on a disciplinary sanction.

## General Sanctions

In the formal intervention process, a range of sanctions may be imposed by the College. Depending on the behavior pattern or incident being addressed, a combination of administrative and educational sanctions may be issued.

When violations of College policy or any behavior where the College's Standards of Conduct are violated occur, the College will use the following criteria to determine the appropriate level of sanction.

4. The extent to which the behavior has affected the ability of other members of the community to pursue their own academic and personal goals.
5. The extent to which the behavior has affected the reputation of the College or the ability of the College to effectively pursue its mission.
6. The extent to which the safety or well-being of any individual has been placed in jeopardy.
7. The extent to which standards of civil behavior have been violated.
8. The extent to which the behavior has violated local, state or federal law.

Furthermore, while engagement in the academic program is not an explicit factor in the determination of a sanction, the College may consider the documented level of commitment the student has made to their academic program in making a final determination. Similarly, a

student's honesty and cooperation with College staff throughout an incident may also be considered in a determination of final sanction.

Students who do not follow the structures and requirements of any sanctions issued by the College may be subject to further disciplinary action.

### Administrative Sanctions

**Notice:** Notice is a level of sanction that expresses concern about a specific behavior, and the measure that the College and the student have taken to ensure that this behavior will not happen in the future. A letter of Notice also acts as a formal method to record patterns of behavior with students.

**Warning:** A Warning is intended to remind a student of the obligation that they accept to adhere to the standards of conduct established by Landmark College and/or any other policy, procedure or rule.

**Probation:** Probation is an official notification that any further violations of the standards of conduct or any other college policy, procedure or rule may result in one's suspension or expulsion from the College.

**Deferred Suspension:** Under certain circumstances, a student may be suspended from the College and have said suspension placed in abeyance. This may be done with the agreement that no further violations of college policy or standard of conduct will occur. Should a student be responsible for additional policy violations, the original sanction of suspension from the College would take effect.

**Suspension from the College:** When suspended from the College, a student is not permitted to be on campus, enter any buildings or attend any classes for a specified period of time, generally not less than one semester. Suspension from the College is imposed when students violate a College policy that warrants their removal from campus. In addition, when a student is suspended from the College, they may be required to complete educational sanctions before they can request to reapply for admission to the College.

**Expulsion:** Under certain severe circumstances, a student may be required to leave campus and not be allowed to return. A student who is expelled from the College may not reapply for enrollment at any time in the future, and may not be present on campus grounds, or enter any buildings.

**NOTE:** A student who is suspended or expelled from the College is not eligible for a refund of their tuition, room charges, board charges or any other fees.

### Alternative & Educational Sanctions

At the discretion of a hearing officer, a student may be assigned additional sanctions intended to support the educational dynamic of the intervention process. Possible alternative and educational sanctions are listed, but not limited to, Community Service, Educational Programming, Loss of Privilege, Restitution, and fines.

### Failure to Complete Sanctions

Students who fail to complete any alternative or educational sanctions will be subject to further disciplinary action by the College that may include an extension of the original sanctions, assessment of additional fines in lieu of community service, or a student's record being placed on hold status until the sanctions are complete and/or fines are paid.

## Student Safety or Threat of Harm to Others

If the College determines that there is a reasonable basis to believe, based on an individualized assessment of the student's behavior and other relevant information:

- that the student's medical, psychological, or substance use-related condition prevents them from safely and/or effectively participating in the College's academic or residential life programs, such that the student is not otherwise qualified to attend the College; or
- that the student poses a significant risk to the health or safety of others; or
- causes or threatens to cause property damage; or
- engages in behavior that is unduly disruptive to others in the Landmark College community (behavior that is "unduly disruptive" includes but is not limited to conduct that interferes with, or poses a significant risk of interference with, the emotional or physical well-being of others and/or the academic, extracurricular, or social activities of others)

then the College will exercise its discretion to take steps that it deems reasonable and necessary in the best interests of the student and/or the College community. Such steps may include, by way of example but not limitation: interim or longer-term disciplinary or administrative withdrawal from the College (either with or without the invocation of the College's student disciplinary process, as deemed appropriate under the circumstances); psychological assessment(s); parental notification; periodic assessment requirements; and/or related documentation requirements.

While preliminary decisions may have to be made quickly and without discussion with the student in certain circumstances, student(s) will be given notice and an opportunity to speak with the Vice President for Educational Research & Innovation, Dean of the School of Educational Research & Innovation, Vice President of Student Affairs, or their designees as appropriate prior to any final decision being made by the College. They may also consult with others as appropriate (e.g., medical professionals, members of the College's Students of Concern Team, other College officials, law enforcement, and/or the student's family members).

The College may also consider whether there are reasonable accommodations that would effectively mitigate the risk of harm to others or property and would allow the student to safely and effectively participate in the College's academic programs and the residential life of the College, as applicable.

Students may petition for readmission to the College as provided under the terms and conditions specified in any notices regarding decisions made by the College pursuant to this policy.

Steps taken by the College pursuant to this policy may be appealed, following the procedures set forth in the College conduct process.

The College reserves its right to modify steps taken or requirements imposed under the circumstances described above, where modifications appear to be necessary in the best interests of the student and/or the College community.

## Violence

The College prohibits all manner of violent behavior and may pursue disciplinary action against any student who engages in violent behavior in any form, including on-line, including physical or verbal abuse, harassment, physically abusive relationships, damage to property, use of a knife (regardless of size) or other weapon or instrument in a violent or threatening manner, and fighting (even in mutually instigated cases).

## Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy & Procedures

### Notice of Nondiscrimination

Landmark College does not discriminate on the basis of sex in its education programs and activities, and Title IX of the Education Amendments Act of 1972, as amended ("Title IX"), as well as applicable state law, requires that it not discriminate in such a manner. Prohibited sex discrimination includes sexual harassment and sexual misconduct as outlined in this policy. Inquiries concerning the application of Title IX may be referred to the College's Title IX coordinator (see below) or to the United States Department of Education Office for Civil Rights. The OCR Region I office's contact information is: Office for Civil Rights, Boston Office, U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921, Telephone: 617-289-0111, Facsimile: (617) 289-0150, Email: OCR.Boston@ed.gov).

### Title IX Coordinator

The Vice President for Student Affairs is the designated Title IX Coordinator for Landmark College and is responsible for coordinating the College's efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator's core responsibilities include overseeing the school's response to Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. To accomplish this, subject to the exemption for confidential employees discussed below, the Title IX Coordinator must be informed of all reports and complaints raising Title IX issues, even if the report or complaint was initially filed with another individual or office or if the investigation will be conducted by another individual or office. The Title IX Coordinator is available to meet with students, employees or third parties regarding Title IX-related issues, such as issues related to the College's compliance with Title IX, response to Title IX reports or complaints, related grievance procedures, relevant patterns of conduct, or related education and prevention programs. The contact information for the Landmark College Title IX Coordinator is:

Michael Luciani, Vice President for Student Affairs  
Office of Student Affairs, Strauch Family Student Center



## General Definitions

The definitions of sexual assault, domestic violence, dating violence and stalking used in this policy are consistent with the Clery Act, as amended effective 2014.

In its primary prevention and awareness programs for incoming students and new employees, and its ongoing prevention and awareness programs for students and employees, Landmark College includes the definitions of sexual assault, the definition of consent in reference to sexual activity, and the definitions of domestic violence, dating violence and stalking that are used by Vermont criminal laws.

However, the College utilizes its own definitions of these prohibited behaviors for purposes of this policy that are consistent with the Clery Act, as amended effective 2014, and determines responsibility for violations of College policy through its own procedures and standards of proof (that is, by a preponderance of the evidence standard), not through the procedures or standards of proof employed in the criminal justice system.

## Complainant

For purposes of this policy, a complainant is usually a student, employee, or third party involved in some way in an academic, athletic, extracurricular or residential program of the College (“covered third party”) who has allegedly been subjected to conduct in violation of this policy by a student or non-employee respondent. In some cases (such as, for example, cases in which a student, employee, or covered third party involved in an alleged incident of sexual harassment, sexual misconduct, domestic violence, dating violence or stalking does not wish to participate in the process but the College decides that the alleged misconduct needs to be investigated and addressed), the College may move forward with an investigation and/or related disciplinary proceedings. In such cases, the College may extend the full rights of a complainant as defined in this policy to affected parties as deemed appropriate by the College. For ease of reference and consistency, the term “complainant” is used hereafter in this policy to refer to a person who believes that they have been subjected to sexual harassment, sexual misconduct, domestic violence, dating violence or stalking, or who is believed by another to have been subjected to such conduct.

## Respondent

For purposes of this policy, a respondent is an individual (student, faculty, staff, or third party over whom the College has some form of jurisdiction) reported to have violated the College’s Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy.

## Retaliation

Retaliation against an individual for reporting, in good faith, unwelcome conduct of a sexual nature, sexual harassment, sexual misconduct, domestic violence, dating violence or stalking, or for cooperating in the investigation of a complaint of such conduct, violates this policy and may



be unlawful. Retaliation includes, but is not limited to, adverse actions that have a substantial adverse effect on the working or educational environment of any individual involved in the complaint or an investigation that is motivated by such involvement, such as:

- intimidation,
- reprisal,
- ostracism,
- actions altering the person's assignments, assessment of their work, or their academic environment,
- threats,
- coercion, or
- otherwise discriminating against any individual for exercising their rights or responsibilities under this policy

Any person who believes that they have been subjected to such retaliation should follow the complaint resolution procedures outlined in this policy. The College will take strong responsive action if it finds that retaliation in violation of this policy has occurred.

## Sexual Harassment Policy

### The Definition of Sexual Harassment

It is against the policies of Landmark College, and may also be illegal under state and federal law, for any student or employee, male or female, to sexually harass another student, a College employee, or a covered third party. Landmark College is committed to providing a campus free from such conduct. Landmark encourages members of the College community and covered third parties to report unwelcome conduct of a sexual nature so that it can investigate reports appropriately through the procedures outlined below. If the College determines a respondent's conduct is sufficiently serious—that is, sufficiently severe or pervasive—to deny or limit a student's ability to participate in or benefit from the College's program based on sex and thereby creates a hostile environment, it will take prompt, appropriate and effective action to eliminate the hostile environment, prevent its recurrence, and address its effects. In the employment context, the College will take prompt, appropriate remedial action if it determines that a sexually hostile environment has been created. The College may also choose to take remedial action in cases where conduct is deemed inappropriate, even if it does not rise to the level of sexual harassment as defined in this policy.

Sexual harassment is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

9. submission to that conduct is made either explicitly or implicitly as a term or condition of employment or educational status;
10. submission to or rejection of such conduct by an individual is used as a component or the basis for employment or educational decisions affecting that individual; or
11. the conduct has the purpose or effect of substantially interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working, shared living, or educational environment.

Examples of sexual harassment include, but are not limited to the following, when such acts or behavior come within one of the above definitions:

- either explicitly or implicitly conditioning any term of employment or educational decision on the provision of sexual favors;
- touching or grabbing any part of a student or employee's body after that person has indicated, or it is known or should be known that such physical contact is unwelcome;
- continuing to ask a student or employee to socialize on or off-campus when that person has indicated they are not interested;
- displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or should be known that the behavior is unwelcome;
- continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
- referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;
- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
- retaliating in any way against anyone who has filed or supported a complaint of sexual harassment (e.g. ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's educational, shared living, or work environment, etc.);
- communicating derogatory or provoking remarks about or relating to a student or employee's sex, sexual orientation or gender identity;
- directing harassing acts or behavior against a person on the basis of their sex, sexual orientation or gender identity;
- off-campus conduct which falls within the above definition and affects a person's on-campus educational, shared living, or work environment.

Sexual harassment prohibited by this policy may occur regardless of the sex, sexual orientation or gender identity of any individual involved.

Landmark College recognizes that the protection of free and open speech and the open exchange of ideas are important to any academic community. This recognition is therefore an important element in the "reasonable person" standard used in judging whether sexual harassment has occurred. This policy is meant neither to proscribe nor to inhibit discussion, in or out of the classroom, of complex, controversial or sensitive matters, when in the judgment of a reasonable person they arise appropriately and with respect for the dignity of others. Landmark College also recognizes, however, that verbal conduct can be used specifically to intimidate or coerce and to inhibit genuine discourse, free inquiry and learning. Such abuses are unacceptable. If someone believes that another's speech or writing is offensive, wrong or hurtful, they are encouraged to express that judgment in the exercise of their own free speech or to seek redress under the noted procedure(s) when appropriate.

## Sexual Misconduct Policy

As an educational institution, Landmark College is committed to promoting, through educational and consciousness-raising activities (including the distribution of the following policy), a campus environment where sexual misconduct is recognized as wholly intolerable, and where victims of sexual misconduct are provided with avenues of support and redress as appropriate. In accordance with this commitment, the College has developed the following policy on sexual misconduct. Other educational and consciousness-raising activities are conducted by the College's Student Affairs Office.

The College is committed to take action, and may be required to take action, if it learns of potential sexual misconduct, even if the person subjected to such misconduct does not wish to formally file a complaint.

The College prohibits a broad range of inappropriate sexualized activity through this sexual misconduct policy. The prohibitions of this policy apply regardless of the sex, sexual orientation or gender identity of any involved individual.

### Sexual Assault

Sexual violence is one type of prohibited sexual misconduct. Committing sexual assault upon another person, either male or female, is against the law and violates College policies. Sexual assault may be either rape, fondling without consent, incest, or statutory rape, as defined by the Clery Act and below.

- **Rape** is 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.
- **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent (as defined below) of the victim, including instances where the victim is incapable of giving consent because of their temporary or permanent mental incapacity.
- **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law in the applicable jurisdiction.
- **Statutory rape** is sexual intercourse with a person who is under the statutory age of consent in the applicable jurisdiction. In the state of Vermont, the statutory age of consent is 16 years old.

For purposes of the College's Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy, **consent** is defined as follows:

- Consent is a voluntary agreement to engage in sexual activity, demonstrated by words or actions freely and actively given by each party, which a reasonable person would interpret as a willingness to participate in agreed-upon sexual conduct;
- Someone who is incapacitated cannot effectively consent (such as when a person is incapacitated by the use of drugs or alcohol, when a person is asleep or unconscious,

- or when a person has an intellectual or other disability that prevents the person from having the capacity to give consent);
- Past consent does not imply future consent;
- Silence or an absence of resistance does not imply consent;
- Consent to engage in sexual activity with one person does not imply to consent to engage in sexual activity with another;
- Consent can be withdrawn at any time; and
- Coercion, force or threat of either, or placing the other person in fear that any person will suffer imminent bodily injury, invalidates consent.

The College will use an objective standard when determining incapacitation-related questions; that is, a respondent will be found responsible for sexual assault when the College determines that the respondent knew, or reasonably should have known based on an objective standard, that the other person was unable to effectively give or withhold consent because they were incapacitated:

1. By the consumption of drugs, alcohol, or other intoxicants; or
2. Because the other person was subject to a physical or mental incapacity such as sleep or unconsciousness.

It is the responsibility of those who initiate and/or engage in sexual activity to be clear that informed, voluntary consent is given before proceeding with further sexual activity.

It should be noted that ignorance of the policy noted above, or the intoxication of the respondent, will not (particularly given the College's objective standard) be considered an excuse for violating this policy.

### Other Sexual Misconduct

The College also prohibits through this policy other forms of sexual misconduct, such as (but not limited to) video recording or photographing of sexual acts of another member of the College community without the consent of a person involved, or engaging in unwelcome physical touching of a sexual nature that does not meet the definitions of sexual violence or sexual harassment described above.

To understand how to file a complaint of sexual misconduct at Landmark College, please see the section below on Complaint Procedures for Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence and Stalking.

### Other Policy Violations

The College's primary goals when responding to complaints of sexual misconduct are to promote safety, and to address that misconduct and prevent it from recurring. An individual should not hesitate to report sexual misconduct due to a concern that the investigation process may indicate that they were under the influence of alcohol or drugs at the time of the incident. Violations of other College policies will be handled separately from sexual misconduct complaints, and the relatively minor sanctions that may result from a violation of other College policies under the circumstances should not dissuade an individual from reporting relatively

serious incidents of sexual misconduct. The use of alcohol or drugs never makes the complainant at fault for sexual misconduct.

## College Policy on Domestic Violence, Dating Violence and Stalking

Landmark College prohibits conduct by students, faculty or staff that affects other students, faculty, staff or covered third parties, and that constitutes domestic violence, dating violence or stalking, as defined below. While this policy incorporates by reference definitions of domestic violence, dating violence and stalking used in the criminal law, the College determines responsibility for such conduct through its own procedures and standard of proof (that is, by a preponderance of the evidence), not through the procedures or standards of proof employed in the criminal justice system.

### Domestic Violence

Domestic violence is violence committed—

- a. By a current or former spouse or intimate partner of the person subjected to the violence;
- b. By a person with whom the person subjected to the violence shares a child in common;
- c. By a person who is cohabitating with, or has cohabitated with, the person subjected to the violence as a spouse or intimate partner;
- d. By a person similarly situated to a spouse of the person subjected to the violence under the domestic or family violence laws of the jurisdiction in which the violence occurred, or
- e. By any other person against an adult or youth who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the violence occurred.

As a matter of Landmark College policy, the College strictly prohibits conduct that would constitute domestic violence as defined above. The College encourages complainants who believe they are being or have been subjected to such conduct, and others with knowledge of such conduct, to report the conduct to the College through the procedures described below, and to seek the support of the College and/or external resources identified in this policy.

### Dating Violence

Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the person subjected to the violence. 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.

For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse, if involving individuals who are or have been dating as defined here.

Dating violence does not include acts covered under the definition of domestic violence stated above.

As a matter of Landmark College policy, the College strictly prohibits conduct that would constitute dating violence as defined above. The College encourages individuals who believe they are being or have been subjected to such conduct, and others with knowledge of such conduct, to report the conduct to the College through the procedures described below, and to seek the support of the College and/or external resources identified in this policy.

## Stalking

“Stalking” is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

1. Fear for the person's safety or the safety of others; or
2. Suffer substantial emotional distress.

For the purposes of this definition—

1. **Course of conduct** means two or more acts, including, but not limited to, acts in which the alleged stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
2. **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the person subjected to the stalking.
3. **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Examples of stalking behaviors or activities include, but are not limited to the following, if they occur in the context of stalking as defined above:

1. Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, text messages, written letters, gifts, or any other communications that are unwelcome.
2. Use of online, electronic or digital technologies in connection with such communication, including but not limited to:
  - a. Posting of pictures or text in chat rooms or on websites;
  - b. Sending unwanted/unsolicited e-mail or talk requests;
  - c. Posting private or public messages on Internet sites, social networks, and/or school bulletin boards;
  - d. Installing spyware on a person's computer;
  - e. Using Global Positioning Systems (GPS) or similar technology to monitor a person.
3. Pursuing, following, waiting for, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the person.
4. Surveillance or other types of observation including staring or “voyeurism”
5. Trespassing

6. Vandalism
7. Non-consensual touching
8. Direct verbal or physical threats
9. Gathering information about an individual from friends, family, or co-workers
10. Accessing private information through unauthorized means
11. Threats to harm self or others
12. Defamation and/or lying to others about the person, or
13. Using a third party or parties to accomplish any of the above.

As a matter of Landmark College policy, the College strictly prohibits stalking as defined above. The College encourages complainants who believe that they are being or have been subjected to such conduct, and others with knowledge of such conduct, to report the conduct to the College through the procedures described below, and to seek the support of the College and/or external resources identified in this policy.

### Reporting and Confidential Disclosures: Know the Options

The College understands that individuals who have concerns about sexual harassment, sexual misconduct, domestic violence, dating violence or stalking may look for assurances of confidentiality. The College encourages individuals who may have been subjected to these forms of misconduct and/or crime to talk to somebody about what happened, so they can get the support they need, and the College can respond appropriately. Different employees on campus have different abilities to maintain confidentiality about these issues.

### Professional Counselors and Health Services Professionals as Confidential Resources

At Landmark College, the professional counselors and health services staff respect and protect confidential communications with clients to the extent that they are able to do so under applicable law. This means that in most cases, these confidential resources will not inform anyone of such communications without a client's consent, and the College will not endeavor to take any action to take action in response to such communications. These professionals may have the responsibility to disclose otherwise-privileged information appropriately when they perceive an immediate and/or serious threat to any person or property. In addition, medical and mental health professionals are required by law to report any allegation of sexual assault of a person under age 18.

Individuals who wish to talk about sexual harassment, sexual misconduct, domestic violence, dating violence or stalking-related issues confidentially, with the understanding that the College will not take any action based on such confidential communications, are encouraged to contact one of these confidential resources.

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, these confidential resources will not report Clery crimes they learn about through confidential communications for purposes of the College's compilation of campus crime statistics.

If an individual who makes a report insists that their name or other identifiable information not be revealed and the College is able to respect that request, the College will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator. Even so, these confidential resources will still assist the individual in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to academic, living, transportation, and working or course situations or schedules, where requested and reasonably available.

An individual who at first requests confidentiality may later decide to file a complaint with the College or report the incident to local law enforcement, and thus have the incident fully investigated. These confidential resources will provide the individual with assistance if the individual wishes to pursue those options.

Contact information for confidential resources is as follows:

Meg Spicer, Counselor & Sexual Respect Coordinator	(802) 387-6739
Jeff Huyett, Director of Health Services	(802) 387-6753
Liz Cooper, Staff Nurse	(802) 387-6302
Counseling Services	(802) 387-1636

### Reporting to “Responsible Employees”

A “responsible employee” is a College employee who has the authority to address sexual harassment, sexual misconduct, domestic violence, dating violence or stalking, who has a duty to report related incidents to the Title IX Coordinator or other College officials, or who a student could reasonably believe has this authority or duty. Responsible employees are respectful of a complainant’s wishes to the extent appropriate and are discreet, but they are not able to guarantee confidentiality. General inquiries or questions about the Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy and procedures may remain private, and the College will strive to protect the privacy of individuals to the extent it can while maintaining its obligations to uphold relevant policies and regulations and/or to take reasonable steps to promote the safety of members of the College community. Otherwise, responsible employees will report relevant details (such as the name of the complainant and respondent, any witnesses, and other relevant facts, such as the date, time and specific location of the alleged incident) to the Title IX Coordinator or other College officials. The College will then investigate the report and take reasonable steps designed to prevent recurrence of the behavior.

If a complainant discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College’s obligation to provide a safe, non-discriminatory environment for all students, faculty and staff. The Title IX Coordinator will in most cases determine whether the College needs to perform an investigation and/or take some other action in cases where a complainant would prefer complete confidentiality. If for some reason the Title IX Coordinator is not able or is not the



appropriate person to make such a determination, the determination will be made by the Dean of Students or another appropriate person designated by the President.

If an individual who makes a report insists that their name or other identifiable information not be revealed and the College is able to respect that request, the individual must understand that the College will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator.

The College will protect the confidentiality of individuals allegedly subjected to sexual harassment, sexual misconduct, domestic violence, dating violence and/or stalking to the extent practicable in light of the need to do investigations and conduct disciplinary proceedings. Campus security authorities who become aware of Clery crimes will report them to the College's Office of Public Safety so that they may be included in the College's compilation of campus crime statistics. The College will not include the names of complainants or other identifying information in publicly-available reports that are compiled as required by the Clery Act.

### Community Assistance and Resources for Victims of Sexual Misconduct, Domestic Violence, Dating Violence and/or Stalking

The level of confidentiality that can be provided by confidential on-campus resources, and the obligations of non-confidential responsible employees, who are respectful but not necessarily confidential, are described immediately above.

The Title IX Coordinator may also be contacted to assist in finding local resources for students in an on-line/distance setting.

#### Confidential On-Campus Resources

Meg Spicer, Counselor & Sexual Respect Coordinator	(802) 387-6739
Jeff Huyett, Director of Health Services	(802) 387- 6753
Liz Cooper, Staff Nurse	(802) 387-6302
Counseling Services	(802) 387-1636

#### Respectful But Not Necessarily Confidential On-Campus Resources

Dean, School of Educational Research and Innovation	
Campus Security	(802) 387-6899
Kelly O'Ryan, Dean of Students	(802) 387-6362
Michael Luciani, Vice President for Student Affairs	(802) 387-6713

#### Off-Campus Community Resources

Women's Freedom Center	24 hour Hotline: (802) 254-6954
advocates@womensfreedomcenter.net	Business line: (802)-257-7364
Windham County Victim Advocate	(802) 579-1358
Brattleboro Memorial Hospital ER	(802) 257-8222

Brattleboro Health Center	(802) 258-3905
Windham County Sheriff	(802) 365-4942
Vermont State Police	(802) 722-4600

## Reporting and Grievance Procedures for Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence or Stalking Complaints

The reporting and grievance procedure outlined below applies to sexual harassment, sexual misconduct, domestic violence, dating violence and/or stalking complaints filed by students, staff, faculty or covered third parties against other students, staff or faculty, or third parties over whom the College has some measure of control. Even where the College does not appear to have a measure of control over a third party who is believed to have engaged in or who is believed to be engaging in such behavior, the College encourages reporting so that the College can at least refer the complainant to supportive resources and discuss reasonably available accommodations and procedures for obtaining protection orders.

Complaints of sex discrimination by College students, staff or faculty that do not involve alleged sexual harassment, sexual misconduct, domestic violence, dating violence or stalking as defined in this policy will be handled through the Vice President for Student Affairs Office (for students) and the Human Resource Office (for faculty & staff).

The procedures outlined below are designed to provide prompt, fair and impartial investigation and resolution of complaints of sexual harassment, sexual misconduct, domestic violence, dating violence and stalking. The College will provide written notice to complainants and respondents of the information stated herein by providing a paper copy of the policies, procedures, and support resources to complainants and respondents.

If any person affected by the College's investigation or adjudication of a complaint of sexual harassment, sexual misconduct, domestic violence, dating violence or stalking is concerned that another person involved in the investigation or adjudication (such as, for example, an investigator or Conduct Board member) may be biased against him or her or has a conflict of interest, the person should inform the Vice President for Student Affairs Office, the Human Resources Office (in faculty/staff cases) or the Title IX Coordinator of that concern as soon as possible. The responsible official will consider the concern and inform the parties of their decision as to whether an alternate will be named.

Any student, faculty or staff member who wishes to report a complaint of or concern about sexual harassment, sexual misconduct, domestic violence, dating violence or stalking is encouraged to contact the Vice President for Student Affairs (Title IX Coordinator), College security personnel, the Dean of Students, Resident Deans, Academic Advisors, Counselors, College Administrators, and/or local law enforcement officials.

In addition to (or instead of) the College's processes, any student or employee who wishes to report a complaint of sexual misconduct, domestic violence, dating violence or stalking may and should also pursue criminal charges with local, state, or federal law enforcement agencies

including the Windham County Sheriff's Department or Vermont State Police. The Office of the Vice President for Student Affairs (Title IX Coordinator), Office of Security, the Office of the Dean of Students, Human Resources Office and Counseling /Health Services Office will offer to, and will upon request, assist students or employees in contacting law enforcement agencies and other agencies for these purposes. This action may be taken regardless of whether an individual chooses to file a complaint with the College. For their own part, a complainant may choose to notify such agencies with or without assistance from the College, or may choose not to notify such authorities.

Individuals who are being or who may have been subjected to domestic violence, dating violence or stalking may have the right to obtain orders of protection, restraining orders and/or relief from abuse orders from Vermont courts. The College will support complainants if they wish to have the College's assistance in making contact with law enforcement authorities and other external resources to seek such orders. The College will respect such orders to the extent applicable. In addition, the College can also impose no-contact conditions on students, employees and third parties over which it has some measure of control. The College will inform complainants of their options in this regard.

**Medical Care** - Whether or not you decide to pursue criminal charges or a complaint at the College, you are encouraged to immediately seek any necessary medical care after an incident of sexual misconduct, domestic violence or dating violence, and to seek help from appropriate law enforcement, medical or College personnel.

**Preservation of Evidence** - Even if you are unsure initially whether you will want to pursue criminal charges or seek a protection order, it is important to preserve all possible evidence in case you decide at some point to do so. Therefore, you should refrain from changing clothes, showering or otherwise changing your physical state after an incident, until after you have consulted with medical personnel about how to best preserve evidence. You should also consult with College officials, law enforcement officers or health care professionals regarding your ability to have evidence collected by a Sexual Assault Nurse Examiner ("SANE"). You should also endeavor to preserve other evidence that may be relevant to a case of sexual harassment, sexual misconduct, domestic violence or dating violence or stalking, such as text messages, email messages, other electronically stored information, and other physical evidence. If you have questions about how to do this, you should consult with College officials.

**Accommodations** - If you report sexual harassment, sexual misconduct, domestic violence, dating violence or stalking to College authorities, College personnel will work with you to determine whether alternative academic, transportation, working and/or living situations are reasonably available and necessary in your particular case. You do not have to file a formal complaint, participate in a disciplinary process, or file a criminal complaint in order to ask for such help from the College.

### Informal Resolution of Complaints

Students or covered third parties who believe they have been subjected to unwelcome conduct of a sexual nature and/or sexual harassment, sexual misconduct, domestic violence, dating violence, stalking, or other sexual misconduct may seek informal resolution of the issues

without filing a formal complaint by contacting the Vice President for Student Affairs . At the discretion of the Vice President for Student Affairs, the consideration of a complaint under this section may be assigned to their designees. Informal complaints may be oral or written. In many instances, informal discussion and counseling can be useful in resolving perceived or actual instances of sexual misconduct. Problems are sometimes easier to resolve when an informal atmosphere encourages people to identify the difficulty, talk it out, and agree on how to deal with it. Informal complaint resolution does not involve disciplinary proceedings against the alleged harasser.

If requested by the complaining party, the Vice President for Student Affairs (or designee) will assist in attempting to resolve the complaint informally. Such assistance may involve, for example, advising the complainant with respect to communicating with the respondent about the cessation of the behavior. Alternatively, the complainant may ask the Vice President for Student Affairs to meet with the alleged respondent, or to explore other possible resolutions. The Vice President for Student Affairs may enlist the help of other College personnel, such as deans, administrators or Human Resources personnel, in resolving an informal complaint, but only with the written permission of the complaining student.

Use of the informal procedures set forth in this section is not a prerequisite to initiating a formal complaint. Students seeking informal resolution have the right to end the informal process at any time and begin the formal complaint process.

Informal complaints should be raised as soon as possible, because the more time that elapses between alleged incidents of sexual harassment and the filing of an informal complaint, the more difficult it may be to resolve the complaint successfully.

### Filing a Formal Complaint of Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence or Stalking

A student or covered third party may file a formal complaint of sexual harassment, sexual misconduct, domestic violence, dating violence or stalking by a student or a third party by contacting the Vice President for Student Affairs (or in the case of a complaint against the Vice President for Student Affairs, by contacting the President of the College, who will designate an alternate contact person). A student or employee may file a formal complaint of sexual harassment, sexual misconduct, domestic violence, dating violence or stalking by an employee or a third party by contacting the Vice President for Student Affairs (Title IX Coordinator), the Director of Human Resources (or in the case of a complaint against the Director of Human Resources, by contacting the President of the College, who will designate an alternate contact person). The Title IX Coordinator or designee will determine whether the Vice President for Student Affairs Office or the Human Resources Office will be the primary point of contact, and which office will conduct the investigation, depending on the nature of the case and their judgment as to which office is most appropriate.

After an initial discussion, the complainant will be asked to prepare (or describe to the Vice President for Student Affairs/Director of Human Resources or designee and sign) a written

statement describing the complaint. The statement should include information such as the date and time of the alleged sexual harassment, sexual misconduct, domestic violence, dating violence or stalking, the name of the respondent, the circumstances of the alleged sexual harassment, sexual misconduct, domestic violence, dating violence or stalking, and the identity of any persons who may have knowledge or information regarding the circumstances.

The Vice President/Director of Human Resources (or designee) will inform the respondent of the allegations, and in the absence of extraordinary circumstances, will give the respondent a copy of the written statement and any summary prepared in connection with the process. The respondent may submit a written response to the Vice President/Director.

Respondents will be notified that taking any retaliatory action (directly or through others) which affects the learning, shared living, or working environment of any person involved in the investigation is prohibited by law and will also be considered a separate violation of College policy.

### Investigation

The investigating office will conduct an appropriate investigation which may include interviews with the complainant, respondent, and other persons with information. Individuals conducting investigations and proceedings will receive training annually on the issues related to sexual harassment, sexual misconduct, domestic violence, dating violence and stalking, and how to conduct an investigation and/or hearing process that protects the safety of complainants and promotes accountability.

In a case where a criminal investigation or criminal proceeding may be underway for the same complaint, the College may choose to delay its investigation for a reasonably short period while police are gathering evidence. During this period, the College reserves the right to take interim measures to promote the safety and well-being of the complainant and the College community while the law enforcement agency's fact-gathering is in progress and thereafter. The College, after a reasonable period and communication with law enforcement, will initiate or resume, and complete its own investigation.

If the complaint is not resolved by investigation, the Vice President for Student Affairs/Director of Human Resources (or designee) may recommend the convening an Administrative Hearing to consider the complaint.

The College will endeavor to complete its investigation and hearing process in a timely manner, absent extenuating circumstances (such as delays occasioned by College breaks). The College will keep the parties informed regarding the need for any extensions of this period.

### Hearings in Cases Involving Student Respondents

A student who is alleged to have violated the College's Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence and/or Stalking Policy may be required to appear at an Administrative Hearing. The Vice President for Student Affairs, at their discretion, may modify

these procedures as appropriate, including any time periods within which procedures should occur. Students found to have violated the College's sexual harassment, sexual misconduct, domestic violence, dating violence or stalking policy could be subject to the following disciplinary sanctions:

- educational requirements;
- formal disciplinary status;
- restrictions on on-campus activities;
- residential restrictions;
- expulsion from campus housing;
- suspension or expulsion from the College.

A Hearing is convened by the Vice President for Student Affairs or their designee. Hearing Officers may include the Dean of Students or other administrators. The charge of the Hearing is to determine if a violation of the College's Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence or Stalking Policy has occurred, and to recommend sanctions for students found in violation of these policies or standards to the Vice President for Student Affairs, who holds final approval of all Hearing recommendations.

Throughout the College's investigation and Hearing both the complainant and respondent will have equal opportunity to:

1. Present relevant material witnesses and other evidence.
2. Be afforded similar and timely access to any information that will be used at the hearing.
3. Attend an informational pre-hearing meeting to review the Hearing procedures and information submitted to the College.
4. Request a College Counselor, Academic Advisor or other College Official to be present in the hearing to provide individual support, help facilitate the student's understanding of the Hearing process, and to assist the student in communicating their position. These support persons do not take part in Hearing deliberations or decisions.
5. Have an advisor of their choice present at the hearing and any related meetings (such advisors may advise the complainant or respondent privately, but cannot act as speaking advocates at a hearing or meeting or otherwise address an investigator or hearing officer).
6. Ask questions during the hearing through the chair of the board (direct cross-examination of the complainant or respondent by the other party or their advisor will not be permitted).
7. Be separated by physical barriers or the use of technology from direct, in-person contact with the other party while participating in the hearing.
8. Access support resources on campus.

Failure of a respondent to cooperate in a College Hearing hearing may result in suspension or other sanction, and will not prevent the College from moving forward with its disciplinary process.

## Standard of Proof

Like Landmark College's student disciplinary system in general, the process to address complaints of sexual harassment, sexual misconduct, domestic violence, dating violence or stalking uses the standard of proof of "a preponderance of the evidence" or "more likely than not". This means that for a finding of responsibility to be made, an administrative hearing officer or conduct board must conclude that there is more than a 50% likelihood that actions or behavior in violation of the policy at issue did occur.

## Disposition Without A Conduct Board/Dean's Sanction

In cases where the facts are not in dispute, and a student respondent is prepared to accept responsibility for their actions, the College may offer the option of Disposition Without Hearing, also called a Dean's Sanction. For a full description of this process, please see the policy under "formal Disciplinary Procedures".

## Notice of Outcome

Following the hearing, the College will report its decision to the complainant and the respondent simultaneously and as soon as practicable, usually within one week of the hearing. The College will state in writing the findings which support its decision as to whether or not a policy violation occurred. A decision that a policy violation occurred may include recommendations for specific actions to be taken as a result of the decision. Any official record will be kept on file at the Student Affairs Office. If there is no appeal or review, the written recommendations will be implemented.

## Appeal Procedure for Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence or Stalking Decisions

Within seven (7) calendar days of the College's written decision, the complainant or respondent may appeal the decision as to responsibility and/or the sanction to the President of the College (or designee) by delivering a written statement of appeal to the President and to the other party. The other party may be notified of any submitted appeal through the Vice President for Student Affairs or their designee. The other party may submit a written response to the appeal to the President within 5 working days of delivery of the statement of appeal. Both parties will be informed of any change to the results of a disciplinary process that occurs prior to the time that such results become final, and when such results become final. The decision of the President is final.

## Disciplinary Procedure for Cases Involving Employee Respondents and Others

Disciplinary procedures for employees charged with violating the College's Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy are available from the Human Resources website. While the disciplinary procedures for dealing with such cases vary somewhat from those for cases involving student respondents, student and employee complainants will in all cases be provided the procedural and substantive rights described above, with variations as necessary given the context.



# Grievance Policy and Procedures

## Definitions

- **Grievance:** a circumstance or condition thought to be unjust and grounds for a complaint or resentment.
- **Grievant:** a student who feels aggrieved by the action of another student or employee at Landmark.
- **Respondent:** a student or employee who is alleged to have been the cause of the grievance.

## Grievance Procedure

- The grievant shall report a grievance to the Vice President for Educational Research & Innovation, Dean of the School of Educational Research & Innovation, Vice President of Student Affairs, or their designees as appropriate within ten days of the event that is the source of the grievance.
- The grievant may request that the process be stopped at any time. The grievant may, even after pursuing the resolution process, attempt to resolve the issue with the respondent if the respondent is willing to pursue a resolution.
- In situations where the respondent is the College as a whole, the President shall designate a person to act as the respondent.

**It is suggested that each of the following steps to resolve a grievance should occur in order:**

1. A grievant should discuss the matter with the respondent in an effort to resolve the grievance.
2. If no resolution is reached, or if discussion with the respondent is not possible, the grievant should discuss the matter with the Vice President for Educational Research & Innovation, Dean of the School of Educational Research & Innovation, Vice President of Student Affairs, or their designees as appropriate.
3. If no resolution is reached, the grievant should submit a written statement of the grievance to the Vice President for Educational Research & Innovation, Dean of the School of Educational Research & Innovation, Vice President of Student Affairs, or their designees as appropriate. The written grievance must include the name of the grievant, the name(s) of the respondent(s), the date of the grievance, the nature of the grievance, the redress sought, and any steps already taken to resolve the grievance. A copy of the formal written grievance must be given to the respondent(s).
4. Vice President for Educational Research & Innovation, Dean of the School of Educational Research & Innovation, Vice President of Student Affairs, or their designees as appropriate, at their discretion, may conduct an investigation, or may meet separately or jointly with the respondent, grievant or others and resolve this matter in an administrative hearing. If the grievance is not resolved at this level, or addresses behavior that may require a student's suspension or expulsion from the



College, the Vice President for Educational Research & Innovation, Dean of the School of Educational Research & Innovation, Vice President of Student Affairs, or their designees as appropriate may present a report to the President of the College recommending a course of action, including referral to a College Conduct Hearing.

5. The President of the College may accept, amend, reject or return the recommendation for reconsideration. The final decision on any grievance, and responsibility for implementation of actions, rests with the President of the College.

At the discretion of the Vice President for Educational Research & Innovation, Dean of the School of Educational Research & Innovation, Vice President of Student Affairs, the consideration of a grievance may be assigned to their designee. Time periods may be changed at the discretion of the Vice President for Educational Research & Innovation, Dean of the School of Educational Research & Innovation, Vice President of Student Affairs. There is no requirement that the steps of the general grievance procedure be followed in sequence, or that all levels must be used for any given grievance. The Vice President for Educational Research & Innovation, Dean of the School of Educational Research & Innovation, Vice President of Student Affairs, or their designees as appropriate, may modify the procedures as appropriate.

Suspension or expulsion for any reason is not grievable.

### Formal Procedures Outside the College

After notice to the Compliance Coordinator of the grievance, the Grievant may:

- Call or write the Department of Health & Human Services, Boston, MA
- Call or write the Department of Health and Human Services, Washington, DC.

## Landmark College Complaint Procedure

### Summary of Program Integrity Rules

United States Department of Education Regulation 34 CFR 600.9, the "Program Integrity Rule," was adopted to ensure that students have the opportunity to voice concerns relating to programs offered by postsecondary educational institutions authorized under Title IV of the Higher Education Act, as amended. The regulations require states to provide the opportunity for students to lodge the following types of complaints:

- Allegations of state consumer protection violations, including, but not limited to fraud and false advertising.
- Allegations that state laws or rules addressing the licensure of postsecondary institutions have been violated.
- Allegations regarding the quality of education or other accreditation requirements.

In compliance with Federal Program Integrity Rule, Landmark College has listed multiple alternatives for individuals who wish to submit complaints regarding Landmark College. The College expects that any student complaint will be filed in accordance with any procedures in place at the institution. In the absence of a procedure, the complaint should be filed with the Vice President for Student Affairs. If the complaint is not addressed in a timely or satisfactory

manner, students are encouraged to raise their complaint with the President of the College prior to pursuing the complaint avenues listed below.

### Recommended Content of Complaint

In order to facilitate effective response, initial complaints should include the complainant's full name, address, and contact information, including email and telephone number. Complaints should specify enrollment status, i.e. whether the complainant is a current, former or prospective student. Complaints should first be filed with the Vice President for Student Affairs.

The description of the complaint should include dates and college officials that were involved or have been contacted. Any supporting documentation, such as emails or other correspondence, should be included in order to help others understand the events leading to the complaint. Last, the complainant should state what, if any, remedy is sought.

If the complaint is not addressed in a timely or satisfactory manner, students are encouraged to raise their complaint with the President of the College. The Office of the President will review and respond to any complaints lodged by students, in consultation with the Vice President for Student Affairs.

Office of the President  
Landmark College  
19 River Road South  
Putney, VT 05346  
802.387.6725  
[President@Landmark.edu](mailto:President@Landmark.edu)

### For Complaints Alleging Consumer Fraud:

Office of the Vermont Attorney General  
Consumer Assistance Program  
146 University Place  
Burlington, Vermont 05405  
(800) 649-2424 or (802) 656-3183  
<http://www.uvm.edu/consumer/>

The Consumer Protection Unit of the Vermont Attorney General's Office investigates and prosecutes violations of Vermont's consumer laws, which prohibit businesses from engaging in unfair or deceptive acts or practices. The Consumer Protection staff represents the State of Vermont, and through the State, the public. If you have a consumer question or would like to file a complaint, please contact the Consumer Assistance Program (CAP).

### For Complaints Regarding State Licensing of Postsecondary Institutions:

Vermont Department of Education  
120 State Street  
Montpelier, Vermont 05620  
(802) 828-3136

[http://education.vermont.gov/new/html/main board.html](http://education.vermont.gov/new/html/main%20board.html)

Please note that the Vermont Department of Education does not intervene in the internal procedures of colleges and universities and encourages you to work directly with Landmark College to resolve complaints. However, if you believe you have exhausted the avenues listed above and have a valid complaint about a violation, you may submit it in writing to the Vermont Department of Education for direction.

#### For Complaints Regarding Quality or Accreditation:

New England Commission of Higher Education, Inc. (NECHE)

209 Burlington Road, Suite 201

Bedford, Massachusetts 01730

(781) 541-5413

[http://cihe.neasc.org/information\\_for\\_the\\_public/comments\\_amp\\_complaints](http://cihe.neasc.org/information_for_the_public/comments_amp_complaints)

The Commission has two means of hearing from students, faculty, staff, and members of the public about its member institutions: (1) Public Comments and (2) Complaints. Both offer important opportunities for the Commission to hear from individuals about the quality of affiliated institutions. For guidance on filing either a Public Comment or Complaint, please contact NECHE.