

# Annual Campus Safety and Security & Fire Safety Report

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2023





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## Introduction

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### Jeanne Clery Disclosure of Campus Safety Policy and Campus Crime Statistics Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act was signed into law in November 1990. It requires institutions of higher education participating in student financial aid programs under Title IV of the Higher Education Act of 1965 to disclose information about campus safety policies and procedures and to provide statistics concerning certain crimes that occurred on or near campus. On Aug. 14, 2008, the Higher Education Opportunity Act or HEOA (Public Law 110-315) reauthorized and expanded the Higher Education Act of 1965, as amended. HEOA amended the Clery Act and created additional safety and security-related requirements for institutions.

### Fire Safety Right-To-Know

The Campus Fire Safety Right-to-Know Act is an amendment to the Higher Education Opportunity Act. This amendment serves to increase campus fire safety awareness across the nation, providing students and their families with the fire safety records of colleges/universities. Signed into law by President George W. Bush on August 14, 2008, this amendment requires post-secondary institutions to publicly display fire safety information and statistics, much as they already do with other safety statistics. This information provides prospective and current students with the policies, concerns, and fire safety conditions that are present at the institution in which they have applied or are enrolled.

### Policy for Reporting Annual Disclosure of Crime Statistics

This report is prepared by the Landmark College Office of Campus Safety and Emergency Management with collaborating data and statistics submitted by the Offices of Residential Life, Student Conduct, Counseling, Health Services, Student Affairs, and other reports submitted by Campus Security Authorities (CSAs). Please see a definition of CSAs on page 3 of this report.

Also included in this report are statistics received and reported by local law enforcement and safety agencies including the Windham County Sheriff's Department, Vermont State Police, and Putney Fire Department.

Reports of crimes (including Clery Act crimes) may be made to any member of the Campus Safety staff, Residential Life staff, or Student Affairs staff for the purpose of making timely warning reports and for inclusion in the annual statistical disclosure.

Information may be reported for inclusion in the annual report on a confidential (not to be construed as anonymous) basis to the Counseling Office staff. In this case, confidential reporting shall be defined as reports that are written or verbally reported, and deemed legitimate, but for which no particular action is requested by the reporting party.

This report is posted by October 1<sup>st</sup> of each year on the Landmark College website in various locations including the Student Affairs and Campus Safety & Emergency Management pages. Printed copies of this report are available at no charge in the Student Affairs Office, the

Campus Safety & Emergency Management Office, the Enrollment Services Office, and the Landmark College Library.

## Department of Campus Safety & Emergency Management

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The mission of the Department of Campus Safety & Emergency Management is to provide a safe environment for students, faculty, and staff to work and study on Landmark's Putney Campus.

It is recognized, however, that the responsibility for crime prevention and fire safety does not rest solely with the College administration or Campus Safety authorities; it is shared with all members of the community. The success of any prevention effort depends largely on each person following sound practices and recognizing and immediately reporting criminal, suspicious, or fire-safety-related activity to the Campus Safety office. A truly safe campus can only be achieved through the cooperation of students, faculty, and staff.

### Location & Hours of Operation

Located on the lower level of Davis Hall room 001, the Department of Campus Safety provides services and campus patrols 24 hours a day, seven days a week.

### Enforcement Authority & Jurisdiction

Campus Safety Officers respond to complaints of disturbances, crimes, suspicious persons, motor vehicle-related problems, lockouts, fire-alarm activations, medical calls, and to any emergency or request for assistance. Officers are responsible for performing investigations, preparing incident reports, and upholding the rules and regulations of the College, including Housing Regulations, Parking Regulations, and the Standards of Conduct for Students. Officers also note security-related problems such as broken windows and malfunctioning lights and locks. Services offered include property identification and a safety escort service.

All Campus Safety officers have jurisdiction over property owned and/or controlled by the College. While Campus Safety officers do not have arresting authority, they do have the authority to direct adherence to campus policies and ban any individual from campus, which is enforceable through local law enforcement agencies.

### Relationship with Local Agencies

The College works closely and in cooperation with both jurisdictional law enforcement agencies of the Windham County Sheriff's Department and the Vermont State Police, as well as other emergency-service agencies, including the Town of Putney Fire Department and Rescue, Inc. No written M.O.U.s are in place with these primary providers of law enforcement services.

Local law enforcement agencies will often report off-campus behavior (both criminal and non-criminal) of students to the College. The College also receives press releases and police logs from local agencies. The College reserves the right to address all off-campus behavior of students using College policy and the Standards of Conduct. Landmark College does not have any off-campus student organizations that are formally recognized by the College.

# Reporting Criminal Activity, Fire Safety Violations, and Other Emergencies and Concerns

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## Campus Security Authorities (CSA)

A Campus Security Authority (CSA) is a designated College employee who is required to disclose and report Clery-Act crimes that are reported to them. Campus Security Authorities include the following groups of individuals and organizations associated with the College:

1. A campus police department or a campus security department of an institution.
2. Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department.
3. An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.

CSAs are responsible for reporting allegations of *Clery Act* crimes that are reported to them in their capacity as a CSA. This means that CSAs are **not** responsible for investigating or reporting incidents that they overhear students talking about in a hallway conversation; that a classmate or student mentions during an in-class discussion; that a victim mentions during a speech, workshop, or any other form of group presentation; or that the CSA otherwise learns about in an indirect manner.

The following individuals are considered CSAs at Landmark College:

Campus Safety & Emergency Management (Duty Officer)	802-387-6899
Resident Assistants	
Resident Deans (phone number is for the RD on call)	802-387-6781
Director of Campus Safety & Emergency Management	802-387-1689
Director of the Centers for Diversity & Inclusion	802-387-7102
Assistant Director of Campus Safety	802-387-1615
Director of Athletics, Fitness & Recreation	802-387-6790
Assistant Director of Fitness and Recreation	802-387-6786
Academic Advisors	
Director of Social Pragmatics Programs	802-387-6370
Dean of Students & Director of Student Engagement	802-387-6362
Dean of Campus Life & Dir. of Residential Life	802-387-6411
Vice President for Student Affairs & Title IX Coordinator	802-387-6713

Professional counselors, when acting as such, are not considered campus security authorities and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, counselors are encouraged to explain to a victim that the counselor could inform the College of the crime solely for statistical purposes, keeping the victim's name anonymous.

## Reporting

Students, or other community members, should make reports to the Department of Campus Safety, Residential Life Staff, the Student Affairs Office, or any other CSA regarding crimes



they are victims of, witness or suspect, fire safety violations, arson or attempted arson, or any other emergency or concern regarding the safety of the community.

To report a crime or other emergencies, the Campus Safety Duty Officer can be reached in the office or via telephone at campus extension 6899 or from a non-campus phone at (802) 387-6899. Local law enforcement and emergency responders can also be contacted at the following numbers:

Windham County Sheriff Department	911 or 802-365-4942
Vermont State Police (Westminster Barracks)	911 or 802-722-4600
Putney Fire Department	911 or 802-387-4372

The College encourages accurate and prompt reporting of all crimes on campus and to also make a report to the appropriate law enforcement agency in addition to any report to the College, when the victim of a crime elects to or is unable to, make such a report. Any member of the Student Affairs staff (including Residential Life, Student Conduct, Campus Safety & Emergency Management, Counseling, and Health Services) may facilitate and assist students in connecting with the Department of Campus Safety or local law enforcement agencies.

Information may be reported for inclusion in the annual report on a confidential (not to be construed as anonymous) basis to any clinician in the Counseling Office by requesting an appointment with a counselor using the College's online Counseling Request Form.. In this case, confidential reporting shall be defined as reports that are written or verbally reported, and deemed legitimate, but for which no particular action is requested by the reporting party. Counselors will inform and encourage, as appropriate, people they are counseling on how to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

## Timely Warnings

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Student Affairs, Residential Life, Campus Safety, or other designated offices will issue timely warnings regarding crimes that are reported to Landmark College Campus Security Authorities (CSAs), local law enforcement, or others and are considered by the College to represent a serious and ongoing threat to students and/or employees.

Criminal incidents that are within the Clery geography that might prompt a timely warning include the Clery crimes of aggravated assault, arson, burglary, manslaughter by negligence, motor vehicle theft, murder/non-negligent manslaughter, robbery, rape, fondling, incest, statutory rape, domestic violence, dating violence, stalking, hate crimes, and arrests or disciplinary referrals for weapons, drug abuse, or liquor law violations as defined in the Crime Statistics section of this report. Other criminal incidents may prompt a timely warning depending on the circumstances.

The primary method of distribution for these timely warnings will be through broadcast e-mails and the College's emergency alert system which uses texts, voice calls, e-mails, and postings to web pages and social media sites.

Local law-enforcement agencies have been asked for their cooperation in informing the College about crimes reported to them that may warrant timely warnings.

In issuing these timely warnings, the College will withhold the names and other identifying

information of victims. The College will not issue timely warnings that could compromise criminal investigations.

## Daily Crime Log

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The Landmark College Department of Campus Safety maintains a Daily Crime Log of all criminal incidents and alleged criminal incidents reported to have occurred on the Landmark College campus, on the adjacent public property, or at non-campus buildings or properties, as defined by the Clery geography definitions.

The Daily Crime Log will contain any reports from a Campus Security Authority and local law enforcement. Campus Safety publishes the crime log entry, an addition to an entry, or a change in the disposition of the complaint within 2 business days of receipt of the crime report and maintains a printed copy in the Campus Safety Office in Davis Hall.

The Daily crime log identifies the nature of the crime, the general location of the crime, the date and time the crime occurred, the date the crime was reported, and the disposition of the complaint, if known.

Landmark College will make the daily crime log for the most recent 60-day period open to public inspection during normal business hours. The College will make any portion of the log older than 60 days available within two business days of a request for public inspection.

Exceptions to the crime log entry procedure described above may be made if such disclosure is prohibited by law or would jeopardize the confidentiality of the victim. In addition, the College may temporarily withhold information if there is clear and convincing evidence that the release of information would jeopardize an ongoing investigation, jeopardize the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence.

## Access to Campus Facilities

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Landmark College is a private institution of higher education. The grounds of the Landmark College campus and most facilities are accessible to the campus community, guests, and visitors during posted hours of operation or for special performances and presentations. Exterior doors on campus buildings other than residence halls are locked and secured each evening by Campus Safety personnel or through scheduled actions through automatic locking systems (and checked by Campus safety during regular rounds of campus). After-hours access to academic spaces is allowed to students who have established a specific need for access that has been confirmed by the appropriate faculty.

Public and student access to certain buildings and spaces on campus are restricted according to College policy. Administrative, academic, and other non-residential buildings are locked according to posted building and/or office hours. Specific access to academic facilities after regular business hours is granted for specific academic needs and as guided by College policy.

The exterior doors of Frost, Aiken, Alumni, Stone, Davis, and Chumley Halls are locked 24 hours a day through an automatic locking system controlled by Campus Safety. Doors are also checked by Campus safety during regular rounds of campus. Each Landmark student identification card is embedded with a proximity reader for access to these halls. Residents of the Bridges buildings are issued a key for access to the exterior door of their suite. Each

student is issued one key to his/her individual room and is advised to lock their room doors.

Residential, Campus Safety, Facilities staff, and other faculty/staff with work-related reasons to be in the residence halls are issued ID cards that allow access. Approved vendors and contractors may be provided with access cards to the exterior doors of Residence Halls. Other vendors and contractors that are not afforded card-access will be escorted by Campus Safety. Any resident who observes an individual who they feel does not belong within the residence hall is advised to call Campus Safety to report the individual.

Residential, Campus Safety, Facilities staff routinely inspect all campus facilities and address any safety deficiencies promptly.

Guests of resident students must be signed in by the student host and should be accompanied by the student host at all times.

College officials reserve the right to verify the identity and purpose of visitors at any time. College officials also retain the authority to request an individual or group of individuals depart from campus at any time, for any reason.

When the College is closed, academic and administrative buildings are locked and only faculty, staff, and students with proper ID may be admitted.

Campus Safety Officers patrol campus facilities throughout the night.

## Maintenance and Security of Campus Facilities

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The College maintains a safe level of exterior lighting on campus. College personnel routinely monitor lighting fixtures to ensure they are working properly. Members of the campus community are encouraged to report any lighting deficiencies to Campus Safety or Residential Life.

Campus Safety Officers also routinely inspect access doors for proper operation and report problems when they occur.

Smoke and carbon monoxide detectors are installed in all residence halls and buildings and connected to a main fire safety system that is connected to local Mutual Aid. Fire alarm pull stations are located throughout the campus. Fire safety equipment (extinguishers, sprinklers, alarms, etc.) is inspected regularly.

Emergency "Blue Light" exterior phones are located in four locations on the lower campus (by the library, in the parking lot in the FAB, in the Administration parking lot, and at Charles Drake Athletic Field).

Activating these lights will elicit a response from Campus Safety.

## Crime Prevention & Safety Procedures Education

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Each year, new students receive crime prevention and fire safety information in a session that is part of the New Student Orientation process. One of the core values of Landmark College is Safety, and it is widely distributed that students and others should "Make choices that keep you and your peers healthy and safe. Be an active bystander: if you see something, say something."

Residence Hall safety and crime prevention programs are presented on campus throughout

the year on an ongoing basis. Residence Hall staff can initiate safety programs for their residents by contacting the Campus Safety office. Campus Safety staff conduct safety & security training sessions with the Residential Life staff as well as through their efforts. These programs include awareness in the areas of alcohol & drug use, theft, fire safety, driving safety, and sexual assault, domestic violence, dating violence, and stalking. Each semester, an all-campus Shelter-in-Place drill is conducted as is a test of the College's emergency alert system.

Employees receive fire, crime, and emergency prevention and response tips and reminders through the use of the campus e-mail system, posters mounted in the classrooms, and departmental training. The Director of Campus Safety or selected officers will speak with any concerned individual or group about crime or fire prevention and safety concerns.

## Non-Campus Locations of Student Organizations

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The College does not have any officially recognized student organizations with non-campus locations.

## Emergency Response, Notification, and Evacuation

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### Emergency Response

Landmark College maintains a Critical Incident Response Team and an Emergency Operations System. The President of Landmark College, or designee, has primary responsibility for deciding whether to declare the presence of a critical incident and to activate the Critical Incident Response Team or the Emergency Operations Center.

Local law and emergency services have been included in the drills and development of the Emergency Operation Center.

### Emergency Notification

Upon the activation of the CIRT, the EOC, or upon the confirmation of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of students or employees as determined by the evaluation of reports and observed circumstances, the President (or designee), in consultation with the Public Information Officer, Vice President for Student Affairs, and the Emergency Management Director will determine the appropriate content and segment or segments of the campus community potentially impacted by the emergency for any broadcast notification. Under the President's authorization, the Public Information Officer, Vice President for Student Affairs, Director of Campus Safety & Emergency Management (or designee) will initiate the College's notification system. If emergency information is required to the larger community, the College will issue those alerts through various means including, but not limited to, press releases and notices on the College's website.

The College will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification distribution system unless issuing a notification will compromise efforts to assist a victim or otherwise to contain, respond to, or mitigate an emergency.

The primary method of distribution for these timely warnings and emergency notifications will be through broadcast e-mails and the College's emergency alert system ([Regroup](#)) which uses texts, voice calls, e-mails, and postings to web pages and social media sites. Unless changed by the user, Regroup uses mobile phone numbers as recorded in the College's primary database (PowerCampus). Students and employees can confirm or modify their Regroup profile information by logging into the [Regroup portal](#) at <https://landmark.regroup.com/signup>.

The emergency alert system will be tested on an annual basis by the Student Affairs or Campus Safety Office. These may or may not be in conjunction with annual evacuation drills held in the residence halls and other campus buildings and may or may not be announced. Records of the emergency alert test will be maintained in the emergency alert system.

## Evacuation Drills

Landmark College conducts evacuation drills in the residence halls several times each year. The purpose of the drills is to prepare occupants for an organized evacuation in the event of an emergency. Similar drills in the administrative and classroom buildings are held on a regular schedule. During these evacuation drills, occupants become familiar with the location of exits and the sights and sounds of the fire alarm system. Occupants learn where their "muster stations" are.

Shelter-in-place drills are conducted for the entire campus on an annual basis.

Evacuation and shelter-in-place drills provide the opportunity to make certain all related equipment is operating properly and that any necessary repairs are made promptly. Students receive instruction about evacuation and shelter-in-place drills at regular residence hall floor meetings and faculty & staff receive this information through campus communication systems.

Should a long-term evacuation of the campus ever become necessary, the Landmark College Emergency Operations Center would coordinate evacuation efforts with local and state Emergency Management authorities.

Evacuation and shelter-in-place drills are monitored and evaluated by the Department of Campus Safety and Residential Life staff. Summary reports are provided to the community at the conclusion of the drill period and include, among other information, a description of the exercise, the date and time of the exercise, and whether or not it was announced or unannounced.

Prior to each drill on campus, procedures and instructions are distributed to the campus community.

## Missing Persons

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Anyone who believes a resident student to be missing should report their concern to the Director or Assistant Director of Campus Safety, and Campus Safety officers, the Dean of Students, or the Vice President for Student Affairs. While a report can be made at any time, a report must be made if it is believed a person has been missing for more than 24 hours. Every report made to campus officials will be investigated.

Depending upon the circumstances presented to College officials, families of a missing student may be notified. Family contact will occur within 24 hours of a student being determined as missing in all cases where a student is under the age of 18 and not emancipated from their family. If family notification is necessary, the Vice President for Student Affairs, or designee, will place the call.

At the beginning of each academic year, Landmark requires all students to confirm or update the emergency-contact information maintained by the College. The form used in this process includes the option for students to provide confidential contact information for a person to be notified in the event that the student is officially reported as missing. This contact information may not be disclosed outside of the College except to law-enforcement personnel investigating the missing person. If this option is left blank, the College will consider the general emergency-contact number provided by the student as necessary to comply with this procedure.

## General Procedure

The Landmark College official receiving the report will collect and document the following information:

- The name and relationship of the person making the report;
- The date, time, and location the missing student was last seen;
- The general routine or habits of the suspected missing student (e.g., often visits friends who live off-campus, often returns home, any recent changes in behavior or demeanor, etc.)
- The missing student's cell phone number, if known by the reporter or if contained in the College's database.

The Landmark College official receiving the report will immediately inform the Vice President for Student Affairs and Campus Safety. The Vice President for Student Affairs will determine if the President and the Chief Public Relations officer should be informed.

Upon notification from any person that a student may be missing, Landmark College officials may use any or all of the following resources to assist in locating the student:

- Call the student's room.
- Check the student's residence hall room.
- Talk to the student's RA, suitemate, and unit mates to see if anyone can confirm the missing student's whereabouts and/or confirm the date, time, and location the student was last seen.
- Obtain a report of ID card use and residence hall access.
- Secure a current student ID or another photo of the student.
- Call and text the student's cell phone and call any other telephone numbers on record.
- Send the student an email.
- Check all possible locations mentioned by the parties above including, but not limited to, the library, residence hall lounges, Student Center, etc.
- Contact or call any other on-campus or off-campus friends or contacts that are

made known. This could include checking a student's social networking sites such as Facebook, Twitter, etc.

- Ascertain the student's vehicle's make, model, and license plate number. Campus Safety will check Landmark College parking lots for the presence of the student's vehicle.

If the missing student is under the age of 18 years and not an emancipated individual, within 24 hours of the determination that the student is missing, the Vice President for Student Affairs must notify the student's custodial parent or guardian as identified in the College's records.

If the missing student is over the age of 18 years or an emancipated individual, within 24 hours of the determination that the student is missing, the Vice President for Student Affairs must notify the individuals found in the designated emergency contact information that is maintained by the College. If the emergency contact information is absent or unusable, the appropriate law enforcement agency will be informed.

The Vice President for Student Affairs may ask the Information Technology staff to provide electronic logs for the purpose of determining the last login, access, and use of the Landmark College IT network.

Landmark officials will report the information to the local law enforcement agencies within 24 hours of the determination that the student is missing. If, in the course of gathering the information described above, foul play is evident or strongly indicated, local law enforcement may be contacted immediately. If it is necessary to contact local law enforcement, the College will follow their procedures for managing this type of incident.

## Formal Disciplinary Procedures

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### Introduction

It is expected that all members of our 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, shall be at the discretion of the President of the College, 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 in the classroom or in the residence hall may be addressed by a Faculty member, Academic Advisor, Resident Dean or a member of the Coordination & Consultation Team 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 Dean of Campus Life, Dean of Students, or the Vice President for Student Affairs. Other staff and faculty with relevant information may be invited to attend Administrative Hearings.

Parents may not participate in 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) an initial or amended articulation of support and intervention measures, including placing a student on sanctions such as Warning, Probation or Deferred Suspension from the College. The facilitator of an Administrative Hearing may also recommend that a College Conduct Board hearing be convened to address the issues presented.

In cases where a student is currently on Deferred Suspension and alleged to have violated another College policy, the Dean of Campus Life, Dean of Students, or the Vice President for Student Affairs may hold an administrative hearing to determine responsibility and enact the suspension.

## College Conduct Board Hearings

A student who is charged with violating any College policy that may result in their suspension or expulsion from the College may be required to appear before a College Conduct Board. In addition, students who, in the opinion of the Vice President for Student Affairs, have failed to adequately implement previous interventions, or have failed to abide by previously imposed disciplinary sanctions, may be required to appear before a College Conduct Board.

A College Conduct Board is convened by the Vice President for Student Affairs or their designee. Members of the Board may include the Dean of Students, Student Affairs staff, and other members of the faculty, staff, or student community.

The charge of a Conduct Board is to determine if a violation of the College's policies or standards of conduct have 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 Conduct Board recommendations.

At any appearance before a College Conduct Board hearing, a student responding to alleged violations of College policy may request a College official of the student's choice to be present as a support person and to help facilitate the student's understanding of the Conduct Board hearing process, and to assist the student in communicating their position. College officials acting in this advisory capacity do not take part in College Conduct Board hearing deliberations or decisions.

Parents, guardians and family members may not appear as support persons.

Legal counsel may not appear as support persons in Conduct Board 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 Board or to respond on the student's behalf.

Failure to cooperate in a College Conduct Board hearing may result in suspension.

The outcomes of a College Conduct Board hearing may include:

- the continuation, amendment and/or augmentation of existing interventions and sanctions,
- a decision to impose a disciplinary status and/or other sanctions,
- a decision to suspend or expel a student from the College on a deferred basis while imposing further sanctions,
- a decision to suspend or expel a student from the College.

The procedure and guidelines for Hearings convened to address alleged violations of the College's Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy are located under this specifically named policy elsewhere in this handbook.

## Disposition Without A Conduct Board/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 Conduct Board, also called a Dean's Sanction.

The *Disposition Without Conduct Board* 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 the Conduct Board.

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, a Conduct Board 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 or Conduct Board may do so with the appropriate appeal officer (see below). 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 appeal officer will determine if the decision and sanctions will be upheld, reversed or modified. The appeal officer's decision on appeals is final.

### Appeal Officers

If the hearing officer was:	Then the appeal officer is:
1. Resident Dean	1. Dean of Students/Dean of Campus Life
2. Dean of Students/Dean of Campus Life	2. Vice President for Student Affairs

3. Vice President for Student Affairs	3. President of the College
4. College Conduct Board	4. President of the College

## 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 Student Affairs. 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.

1. The extent to which the behavior has affected the ability of other members of the community to pursue their own academic and personal goals.
2. The extent to which the behavior has affected the reputation of the College or the ability of the College to effectively pursue its mission.
3. The extent to which the safety or well-being of any individual has been placed in jeopardy.
4. The extent to which standards of civil behavior have been violated.
5. 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 he/she accepts 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, he/she 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, the items below.

- **Community Service:** Under certain circumstances, students may be required to complete a stated number of community service hours, special projects or educational programs.
- **Educational Programming:** Students may be required to attend and report on an educational program addressing a specific issue (i.e. drug & alcohol use, sexual respect, etc).
- **Change of Residency:** Re-assignment of an individual to a different room or residence hall.
- **Residential Restrictions:** The restriction for a student to enter a particular residential room, floor or building.
- **Loss of Privilege:** The revocation of specific privileges existing on campus.
- **Restitution:** Cost of repairs, replacements, and reimbursements to the College or community members.
- **Fines:** Assessments to students as a result of disciplinary action. The amount of a fine is at the discretion of the College.

### 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.

## Alcohol and Other Drugs Policy

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Landmark College recognizes the problems associated with substance use and abuse and has a policy that addresses the following two areas:

- Students should be educated, informed, and at times, counseled in the areas of substance use and abuse, and supported when they choose to seek assistance regarding these issues.
- In order to help maintain a safe environment that is conducive to living and learning for all students, the College must hold students accountable for violations of the policy on the use of alcohol and other drugs.

Landmark provides a professionally trained counseling staff for students. Students with alcohol/drug-related problems are encouraged to seek the help of counselors on a voluntary basis to deal **confidentially** with those issues. (Counselors at Landmark College follow the rules and regulations of confidentiality as defined and required by law). Health Services and Counseling staff are experienced in working with issues of substance abuse and can assist the student directly as well as provide information about the off-campus assessment and/or treatment and a wide variety of support groups available in the local area.

While the College will hold students accountable for violations of the alcohol and other drug policies noted below, it is also committed to supporting any student who makes the responsible decision to address his or her substance use. Students should feel confident in knowing that Resident Deans, Advisors, Deans, Faculty, and Staff will support any student who is struggling to address his or her substance use. This support may include referrals to counseling, educational programming, or intervention plans on or off-campus to assist a student in meeting his or her goals.

The College will generally address behavior relating to drugs and alcohol outlined below.

### Alcohol Policy

The College prohibits the possession, use, or distribution of alcohol on campus by students and employees. The College recognizes that alcohol is a legal substance for some students but believes that a living and learning community such as ours operates best when all students are held to the same standard regarding alcohol. Therefore, the College prohibits the possession, use, or distribution of alcohol by any member of the community in the normal course of daily activity.

Requests for exceptions to this policy for the service of alcohol or its use in any setting must be approved by the President of the College in consultation with the Vice President for Student Affairs. Exceptions will generally be reserved for formal functions sponsored by the College. It is expected that exceptions granted will be infrequent.

The following behaviors regarding alcohol will be met with disciplinary action by the College.

- Possession, use, or distribution of alcohol on campus (regardless of age)

- Providing alcohol to students of minority age (under 21 years old)
- Being under the influence of alcohol on campus, to any extent, as a minor (under 21 years old)
- Being under the influence of alcohol and the cause of disruption to the campus community or otherwise drawing attention to oneself (regardless of age).

Students found to be in violation of the alcohol policy may be met with sanctions including a disciplinary status ranging from Disciplinary Warning to Expulsion from the College. Other sanctions may include, but not be limited to fines, referral for prosecution, required completion of appropriate rehabilitation programs, community service, educational programs, or residential relocation.

The legal drinking age in Vermont is 21. In accordance with the laws of the State of Vermont, anyone under the age of 21 who purchases, possesses, or procures alcohol or misrepresents his or her age or alters a form of identification with the intent to purchase alcohol may upon conviction be fined, sentenced to jail, or both. Violators of these laws are subject to criminal prosecution, and to disciplinary action by Landmark College.

For those of legal drinking age who choose to consume alcohol off campus, the College encourages moderate, responsible use for the safety of self and others.

## Alcohol Containers

Empty alcohol bottles, cans, bottle tops, and other containers are not allowed on campus, even for decorative purposes. The Resident Dean will confiscate containers, and students found in possession of the containers may be subject to disciplinary action.

### Typical Sanctions for Alcohol Policy Violations

#### First Violation

- Disciplinary Warning to Probation
- Participation in an Alcohol Use Screening/Assessment
- \$75.00 fine
- 10 hours of community service
- Reflection Paper/Community Apology

#### Second Violation (while on sanctions for a previous violation)

- Disciplinary Probation to Suspension
- Participation in an Alcohol Use Screening/Assessment
- \$150.00 fine
- 20 hours of community service
- Reflection Paper/Community Apology
- Residential Relocation

#### Third Violation (while on sanctions for a previous violation)

- Deferred Suspension to Suspension
- Participation in an Alcohol Use Screening/Assessment (off-campus)

- \$250.00 fine
- 30 hours of community service
- Reflection Paper/Community Apology
- Residential Relocation

## Amnesty for Medical Intervention

In situations of extreme intoxication or other medical emergencies as a result of excessive drinking or the ingestion of other drugs, the primary concern of the College is the health and safety of the individual(s) involved. Seeking medical assistance for oneself or a fellow student demonstrates responsible student behavior. In these situations, students are expected to call for assistance (e.g. Resident Assistant, Resident Dean, Campus Safety, 911, etc.) when concerned for their own health or welfare, or that of another student.

If an individual seeks such medical attention, the Vice President for Student Affairs Office will not pursue disciplinary sanctions against the student needing medical intervention (or those students who assist in obtaining medical attention) for violations of the Alcohol or Drug policy.

In lieu of typical disciplinary sanctions, students falling under consideration of this policy will be required to meet with a member of the Vice President for Student Affairs staff who may issue educational requirements including (but not limited to) alcohol & drug education, counseling, and/or a substance abuse assessment and family notification.

Serious or repeated incidents will prompt a higher degree of response. If a student received Medical Amnesty for a prior incident the availability of amnesty for a subsequent incident is at the discretion of the Vice President for Student Affairs or his/her designee.

This policy does not excuse or protect those who flagrantly violate the Student Code of Conduct and does not grant amnesty to possession with the intent to distribute drugs or other infractions that occur at the time of intoxication - including but not limited to physical or sexual assault, damage to property or other violent acts.

Landmark College expects students to abide by laws and College policies regarding alcohol possession and consumption and reminds students that the possession and use of alcohol and other illicit drugs on campus or the abuse of prescription medication are prohibited. For students who consume alcohol, they must understand that moderation minimizes the risk of alcohol poisoning and alcohol-related injuries.

## Drug Policy

The College prohibits the possession, use, distribution, transportation, or being under the influence of illicit drugs on campus. If a student is found on campus with illegal drugs, that student is liable for sanctions, ranging from probation to expulsion from the College. Other sanctions that may accompany disciplinary status include attending educational seminars, alcohol assessments, engaging in a substance-free contract or community service.

The following are considered to be evidence of drug policy violations and sufficient grounds for full disciplinary action:

1. The actual presence, use, distribution, or transportation of illicit drugs on campus.



2. The presence of smoke or odors, as in the case of marijuana.
3. Being under the influence of illicit drugs.
4. The actual presence, use, distribution, or transportation of drug analogs, or legal substances with psychoactive properties on campus.

Landmark fully supports the federal and state statutes prohibiting the possession, use, and distribution of illicit drugs on or off-campus. Violators of these laws are subject to criminal prosecution, and to disciplinary action by Landmark.

## Prescription Drugs

Students who are found to be sharing, selling, or trading prescription medications on campus, or abusing or misusing their prescription medications on campus will be subject to sanctions ranging from Disciplinary Probation to suspension or expulsion from the College.

## Drug Paraphernalia

Drug paraphernalia, regardless of intended use, is not allowed on campus. 'Hookahs' are considered to be drug paraphernalia. Even though a Hookah may be used for non-drug-related smoking of flavored tobacco, due to their frequent use in the smoking of other substances, the use of Hookahs anywhere on campus is prohibited.

When found, the Resident Deans and other college officials will confiscate the items, and students found to have drug paraphernalia will be subject to sanctions ranging from Disciplinary Probation to suspension or expulsion from the College.

## Distribution of Drugs

Distribution of illicit substances, substances with psychoactive properties, and prescription medication is not limited to cash exchange. Any student, who provides, shares, jointly purchases, or otherwise makes available any illegal drug to others on or off-campus, in any amount, violates this policy.

Additionally, and in lieu of direct evidence of distribution, the College reserves the right to consider the possession of large quantities of drugs, the possession of scales, or drugs packaged in multiple quantities, as apparent distribution and a violation of this policy.

## Driving Under the Influence of Alcohol or Other Illicit Drugs

The operation of a vehicle while under the influence of alcohol or other illicit substance poses a danger not only to the operator but to passengers and other members of the community. It is for this reason that students who are found by the College to be driving while impaired by alcohol or other drugs will be subject to disciplinary action ranging from Deferred Suspension to Expulsion from the College.



## Typical Sanctions for drug policy violations; personal use of illicit substances & misuse of prescription medications.

### First Violation

- Deferred Suspension to Expulsion
- Residential & Campus Restrictions
- Participation in an Alcohol Use Screening/Assessment
- \$300.00 fine
- 30 hours of community service
- Reflection Paper/Community Apology

### Second Violation

- Suspension to Expulsion from the College

## Drug & Alcohol Abuse Education Programs

In accordance with the Drug-Free Schools and Campuses Act passed by Congress, Landmark College provides enrolled students, faculty and staff with various pieces of information regarding the unlawful use of drugs or alcohol on College property, including legal sanctions, health risks, available assistance, and treatment avenues, as well as College-imposed disciplinary standards.

The full description of these programs can be found on the Student Handbook page of the College's website.

## Annual Drug-Free Schools and Communities Act Notice

The Drug-Free Schools and Communities Act of 1989 requires that Landmark College annually notify all students, faculty, and staff of the following:

- Landmark's standards of conduct, which prohibit the unlawful possession, use, or distribution of illegal drugs and alcohol by students and employees on Landmark property or in connection with any activities or programs sponsored by Landmark.
- A description of Landmark's disciplinary sanctions that will be imposed on students and employees for the unlawful possession, use, or distribution of illegal drugs and alcohol, up to and including expulsion or termination of employment.
- A description of applicable legal sanctions under federal, state, and local law for the unlawful possession, use, or distribution of illegal drugs and alcohol.
- A description of the health risks associated with the use of illegal drugs and the abuse of alcohol.
- A description of any drug or alcohol counseling, treatment, rehabilitation, or re-entry programs that are available to employees or students.

The 2022-2023 Drug-Free Schools & Campuses Act Notification can be found on the College's [Community Standards page](https://www.landmark.edu/student-life/our-community/community-standards) (<https://www.landmark.edu/student-life/our-community/community-standards>) or directly through this link: <https://bit.ly/3gAScT5>

## Biennial Drug-Free Schools and Communities Act Review

Under the Drug Free Schools and Communities Act and regulations Landmark College conducts a biennial review that;

1. determines the effectiveness of Landmark's AOD program and implements changes, if needed and
2. ensures consistent sanction enforcement for violations of Landmark's Alcohol and Other Drugs Policy.

The Biennial Review and accompanying materials are maintained in the Vice President for Student Affairs Office and can be found on the College's [Community Standards page](https://www.landmark.edu/student-life/our-community/community-standards) (<https://www.landmark.edu/student-life/our-community/community-standards>)

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

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### Notice of Nondiscrimination on the Basis of Sex

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 other behaviors as outlined in this policy. In addition to violating College policy, sexual harassment may also be unlawful. 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).

### Scope of Policy

This policy and the procedures outlined below apply exclusively to reported conduct that falls within the scope of the policy and supersedes any other previously published College policies on issues related to sexual harassment, sexual misconduct, domestic violence, dating violence or stalking. Further, to the extent that this policy and its procedures provide for the handling of allegations that fall within the definition of Title IX Sexual Harassment, such allegations will be handled exclusively as provided in this policy and its procedures, rather than any policies or handbook procedures that would otherwise apply to college students, faculty or staff.

This Policy will be used by the College to address incidents alleged to have taken place on or after August 14, 2020. Any incidents alleged to have taken place prior to August 14, 2020 will be addressed through the policies and procedures outlined in the Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence and Stalking Policy published in the 2019-2020 Student Handbook and not through the policies and procedures outlined in this policy. This delineation of applicable policies and procedures will apply regardless of when the alleged incident is reported.

In Title IX Sexual Harassment cases and Non-Title IX Misconduct cases as defined below that involve allegations that a student engaged in Prohibited Conduct, the policy language, and procedures for both categories of cases outlined below will apply.

In Title IX Sexual Harassment cases as defined below that involve allegations that a College employee engaged in Title IX Sexual Harassment, the policy language and procedures for Title IX Sexual Harassment cases outlined below will apply, in accordance with applicable law.

Allegations that a College employee engaged in discrimination or harassment that do not fall within the definition of Title IX Sexual Harassment will be addressed through other employment-related policies, practices, handbooks and/or collective bargaining agreements, but will not be addressed through the policy language or procedures outlined in this policy.

To understand how to file a complaint of sexual harassment/misconduct, domestic violence, dating violence and/or stalking at Landmark College, please see the section below on Complaint Procedures.

## Title IX Coordinator

The Vice President for Student Affairs is the designated Title IX Coordinator for Landmark College and is authorized to and responsible for coordinating the College's efforts to comply with and carry out its responsibilities under Title IX.

The contact information for the Landmark College Title IX Coordinator is:

Michael Luciani, Vice President for Student Affairs  
Landmark College  
19 River Rd South  
Putney, Vermont 05346  
(802) 387-6713 mluciani@landmark.edu

The Title IX Coordinator is available to meet with students and employees as needed. References throughout this policy to the Title IX Coordinator should be read as also including designees of the Title IX Coordinator.

## General Definitions

The definitions of sexual assault, domestic violence, dating violence and stalking used in this policy are consistent with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), as amended effective 2014 and Title IX and May 2020 Title IX regulations.

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 Title IX and May 2020 Title IX regulations 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.

## Consent

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

"Consent" means the affirmative, unambiguous, and voluntary agreement to engage in a sexual act, which can be revoked at any time. No person subject to this policy shall engage in a sexual act with another person:

- without the consent of the other person; or
- by threatening or coercing the other person; or
- by placing the other person in fear that any person will suffer imminent bodily injury; or
- when the person knows or reasonably should know that the other person is asleep, unconscious, or otherwise unaware that the sexual act is occurring.

No person subject to this policy shall administer any alcohol, drugs, or other intoxicants to another person without the person's knowledge or against the person's will and, while the person is impaired by the alcohol, drugs, or intoxicants, engage in a sexual act with that person.

No person subject to this policy shall engage in a sexual act with another person when the other person is incapable of consenting to the sexual act due to substantial impairment by alcohol, drugs, or other intoxicants and that condition is known or reasonably should be known by the person.

"Incapable of consenting" as used in this policy means the other person:

- is incapable of understanding the nature of the conduct at issue;
- is physically incapable of resisting, declining participation in, or communicating unwillingness to engage in the conduct at issue; or
- lacks the mental ability to make or communicate a decision about whether to engage in the conduct at issue.

A person may be incapable of consenting due to the effects of alcohol, drugs or other intoxicants, or due to a physical, mental or other condition.

Lack of consent may be shown without proof of resistance, and submission resulting from the use of force, threat of force, or placing another person in fear does not constitute 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. Again, consent can be withdrawn at any time.

It is the responsibility of those who initiate and/or engage in sexual activity to be clear that consent as defined in this policy 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 in no way be considered an excuse for violating the policy. Determinations regarding whether a person is responsible for violating this policy will be made by considering whether the person knew, or a reasonable, unimpaired person in their circumstances should have known, that the other person was not consenting to or was incapable of consenting to the sexual conduct at issue or was asleep, unconscious, or otherwise unaware that the sexual act was occurring.

## Complainant

A complainant is a student who is participating or attempting to participate in an academic, athletic, extracurricular or residential program of the College, an employee of the College, or a third party involved in such programs (“covered third party”), and who is reported to have experienced conduct that could constitute Prohibited Conduct as defined below. In some cases (such as, for example, cases in which a person involved in an alleged incident of Prohibited Conduct 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 proceeding without a designated complainant. 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 and/or as permitted or required by applicable law. For ease of reference and consistency, the term “complainant” is used hereafter in this policy to refer to a person who believes that he or she has been subjected to Prohibited Conduct, or who is believed by another to have been subjected to such conduct.

## Respondent

A respondent is a student, employee or covered third party (to the extent the College elects to address reports regarding a covered third party through this policy, rather than otherwise at the College’s discretion) who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct as defined in this policy. A covered third party is a person who is not a student or employee of the College, but who is someone over whom the College has some measure of control that would allow the College to take some form of action against them if it is determined that they engaged in Prohibited Conduct (e.g., a vendor or volunteer). Again, such individuals will be provided rights under this policy on to the extent the College elects to do so.

## Officials with Authority

Officials with authority to institute corrective measures regarding matters involving Prohibited Conduct include the College’s Title IX Coordinator, whose contact information is provided above and any designee. An Official With Authority will, upon receipt of a formal complaint of *Title IX Sexual Harassment*, take action on such a complaint in accordance with the procedures outlined below.

## Retaliation

Retaliation means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing regarding Prohibited Conduct (including both Title IX Sexual Harassment and Non-Title IX Misconduct). Retaliation is strictly prohibited. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations, constitute retaliation, as do any adverse action taken against a person because they have made a good faith report of Prohibited Conduct or participated in any proceeding under this Policy. Retaliation may

include intimidation, threats, coercion, harassment, or adverse employment or educational actions that would discourage a reasonable person from engaging in activity protected under this policy. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance process under this policy does not constitute prohibited retaliation, provided, however, that a determination regarding responsibility is not alone sufficient to establish that any party made a materially false statement in bad faith.

The College will not engage in, and will investigate and address, reports of retaliatory conduct. Retaliation under this policy may be found whether or not the underlying complaint is ultimately found to have merit.

Any person who believes that he or she has been subjected to such retaliation should follow the complaint resolution procedures outlined for general grievances in the Student Handbook.

## Prohibited Conduct

This Policy prohibits the following forms of misconduct, collectively referred to throughout the policy as “Prohibited Conduct”:

- Title IX Sexual Harassment (i.e., Quid Pro Quo Sexual Harassment, Severe, Pervasive and Objectively Offensive Sexual Harassment, Sexual Assault, and Domestic Violence, Dating Violence, and sex-based Stalking within the scope of Title IX); and
- Non-Title IX Misconduct (i.e., Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking outside the scope of Title IX, Sexual Exploitation as defined below, and Retaliation).

Specifically, Title IX Sexual Harassment and Non-Title IX Misconduct are defined as follows for purposes of this Policy:

### Title IX Sexual Harassment

Under Department of Education regulations issued in May 2020 the College is required to prohibit certain forms of sexual harassment as defined in those regulations. Title IX Sexual Harassment is Prohibited Conduct of the following types committed by or against students and/or employees in an education program or activity of the College, in the United States. Further, in order for the College to consider a Formal Complaint of such misconduct as falling within its Title IX Sexual Harassment policy and procedures, the complainant must be participating in or attempting to participate in a College program or activity at the time the complaint is filed.

Conduct takes place within the College’s “programs and activities” when that conduct occurs:

- (1) in a location, at an event, or in a circumstance where the College exercises substantial control over both the respondent and the context in which the conduct occurs; or
- (2) in any building owned or controlled by a student organization recognized by the College.

Conduct that occurs off campus in locations or at events with no connection to the College is unlikely to have occurred in a program or activity of the College.

A complaint about conduct that does not meet this strict definition for Title IX Sexual Harassment is still prohibited by the College if it otherwise constitutes Prohibited Conduct within the definition of Non-Title IX Misconduct as defined below.

The following Prohibited Conduct definitions apply for purposes of the definition of Title IX Sexual Harassment:

*Title IX Quid Pro Quo Sexual Harassment*

Quid Pro Quo Sexual Harassment for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of the College in the United States by which an employee of the College conditions the provision of an aid, benefit, or service of the College on a student's or employee's participation in unwelcome sexual conduct.

*Title IX Severe, Pervasive and Objectively Offensive Sexual Harassment*

Severe, Pervasive and Objectively Offensive Sexual Harassment for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of the College in the United States that constitutes unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a student or employee equal access to a the College education program or activity.

*Title IX Sexual Assault*

As required by the May 2020 Title IX regulations, Title IX Sexual Assault incorporates the definitions of the FBI's Uniform Crime Reporting (NIBRS) program, and is defined as follows:

- (1) Rape
  - a. The carnal knowledge of a person (i.e., penile-vaginal penetration), without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity (it should be noted that either females or males could be complainants under this definition);
  - b. Oral or anal sexual intercourse (i.e., penile penetration) with another person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
  - c. To use an object or instrument (e.g., an inanimate object or body part other than a penis) to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
- (2) Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity (for purposes of this definition, "private body parts" includes breasts, buttocks, or genitals, whether clothed or unclothed);
- (3) Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
- (4) Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Sexual assault can be committed by any person against any other person, regardless of gender, gender identity, sexual orientation, or past or current relationship status. Sexual



assault may occur with or without physical resistance or violence.

Any incident falling within this definition is a violation of College policy and is prohibited.

#### *Title IX Dating Violence*

Title IX Dating Violence for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of the College in the United States that constitutes violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. 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:

- (1) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- (2) Dating violence does not include acts covered under the definition of domestic violence.

Any incident falling within this definition is a violation of College policy and is prohibited.

#### *Title IX Domestic Violence*

Title IX Domestic Violence for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of the College in the United States that constitutes a felony or misdemeanor crime of violence committed:

- (1) By a current or former spouse or intimate partner of the victim;
- (2) By a person with whom the victim shares a child in common;
- (3) By a person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner;
- (4) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- (5) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Any incident falling within this definition is a violation of College policy and is prohibited.

#### *Title IX Stalking*

Title IX Stalking for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of the College in the United States that constitutes 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 purposes of this definition:

- (1) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- (2) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.



- (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 (i.e., the behaviors or activities would cause a reasonable person to fear for their safety or the safety of others, or to suffer substantial emotional distress):

- (1) non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, text messages, written letters, gifts, or any other communications that are unwelcome;
- (2) use of online, electronic or digital technologies, such as posting pictures or text in chat rooms or on websites, sending unwanted or unsolicited e-mail or talk requests, posting private or public messages on Internet sites, social networks, and/or school bulletin boards, installing spyware on a person's computer, or using Global Positioning Systems (GPS) or similar technology to monitor a person;
- (3) pursuing, following, waiting for, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the person;
- (4) surveillance or other types of observation, including staring and voyeurism;
- (5) trespassing;
- (6) vandalism;
- (7) non-consensual touching;
- (8) direct verbal or physical threats against a person or a person's family member, pet or personal property;
- (9) gathering information about a person from friends, family, or co-workers;
- (10) accessing private information through unauthorized means;
- (11) threats to harm self or others;
- (12) defamation and/or lying to others about the person; and
- (13) using a third party or parties to accomplish any of the above.

Behaviors or activities that fall within this definition are violations of College policy and are prohibited.

### **Non-Title IX Misconduct**

Non-Title IX Misconduct is Prohibited Conduct that falls within the definitions below but that does not fall within the definition of Title IX Sexual Harassment, either due to the nature of the conduct or because it did not reportedly occur within a program or activity of the College in the United States.

Reported behavior that falls within the definition of Non-Title IX Misconduct is defined here but will be addressed separately through the College's general disciplinary process located in the Student Handbook (for students) or Employee Handbook (for staff & faculty).

### ***Non-Title IX Sexual Harassment***

Non-Title IX Sexual Harassment is a form of sex discrimination that includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that 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, on the basis of sex. The College will determine whether conduct falls within this definition by using both an objective standard (that is, would a reasonable person experience the conduct as intimidating, hostile or offensive as defined here) and a

subjective standard (that is, did the person actually perceive the conduct as intimidating, hostile or offensive as defined here).

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

- touching or grabbing any part of a person's body (in a manner that is sexual or offensive on the basis of sex but that does not constitute "fondling", which is a form of Title IX Sexual Assault or Non-Title IX Sexual Assault as defined above and below) after that person has indicated, or it is known or should be known, that such physical contact is unwelcome;
- continuing to ask a person to socialize on or off-campus when that person has indicated that they are not interested;
- displaying or transmitting sexually suggestive pictures, objects, cartoons, messages, web links 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;
- communicating derogatory or provoking remarks about or relating to a person's sex, gender identity or sexual orientation;
- directing harassing acts or behavior against a person on the basis of their sex, gender identity or sexual orientation; or
- off-campus conduct which falls within the above definition and affects a person's on-campus educational, shared living, or work environment.

Sexual Harassment that meets the definition of Title IX Sexual Harassment outlined above will be addressed under the procedures for Title IX Sexual Harassment provided in this policy.

Landmark College recognizes that the protection of free and open speech and the open exchange of ideas is important to any academic community. This recognition is therefore an important element in the objective "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 this policy or other College policies as appropriate.

#### *Non-Title IX Sexual Assault*

Sexual Assault (i.e., rape, fondling, incest or statutory rape) as defined in the Title IX Sexual Assault definition above that did not reportedly occur in a program or activity of the College in the United States, and attempts to commit such misconduct.

#### *Non-Title IX Domestic Violence*

Domestic violence as defined in the Title IX Domestic Violence definition above that did not

reportedly occur in a program or activity of the College in the United States.

#### *Non-Title IX Dating Violence*

Dating violence as defined in the Title IX Dating Violence definition above that did not reportedly occur in a program or activity of the College in the United States.

#### *Non-Title IX Stalking*

Stalking as defined in the Title IX Stalking definition above that did not reportedly occur in a program or activity of the College in the United States, or that otherwise fits within the definition of stalking but does not fall within the Title IX Stalking definition because the reported conduct is not directed at the complainant on the basis of sex.

#### *Non-Title IX Sexual Exploitation*

Non-Title IX Sexual Exploitation occurs when a person takes sexual advantage of another person for the benefit of anyone other than that other person without that other person's consent, and attempted sexual exploitation. Examples of sexually exploitative behavior include, but are not limited to:

- (1) video recording or photographing of sexual acts or nudity of another member of the College community without the consent of a person involved;
- (2) transmitting such video recordings or photographs without the consent of the person involved;
- (3) viewing or allowing or aiding others to view another person's sexual activity, intimate body parts, or nudity without the person's consent; and (4) sexual exhibitionism or exposure of one's genitalia in the presence of others without their consent.

### Coordination with Other Policies

Where alleged conduct by a student respondent that is reported in connection with a reported violation of this policy also involves potential violations of the Landmark College Student Code of Conduct that would not constitute sexual harassment, sexual misconduct, domestic violence, dating violence or stalking covered by this policy, the College may, at its discretion, choose to investigate and resolve such other potential Student Code of Conduct violations through an investigation under the procedures set forth in this policy, rather than the procedures set forth in the Student Code of Conduct.

Where alleged conduct by an employee or covered third party respondent that is reported in connection with a reported violation of this policy also potentially involves violations of Landmark College's expectations for employee or covered third party behavior, the College may address such reported violations of other behavioral expectations within or outside the procedures provided below, as determined at the College's discretion.

### Separate Handling of Other Policy Violations by Reporting Students

The College's primary goals when responding to complaints of Prohibited Conduct such as sexual harassment/misconduct, domestic violence, dating violence or stalking matters involving students is to promote safety, and to address Prohibited Conduct and prevent it from recurring. An individual should not hesitate to report Prohibited Conduct due to a concern that the investigation process may indicate that he or she was 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 Prohibited Conduct. The use of alcohol or drugs never makes the complainant at fault for sexual harassment, sexual misconduct, domestic violence, dating violence or stalking.

## Confidentiality

The College understands that individuals who have concerns about sexual harassment/misconduct, domestic violence, dating violence, or stalking may look for assurances of confidentiality.

May 2020 Title IX regulations contemplate that certain information will generally be treated confidentially, except as qualified by statements in those regulations. For example, the regulations provide that colleges and universities must maintain as confidential any supportive measures provided to a complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the supportive measures. The regulations also provide that institutions must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of the Title IX regulations, including the conduct of any investigation, hearing, or judicial proceeding arising under those regulations.

The College will protect the confidentiality of complainants and other necessary parties to the extent practicable. When the College completes publicly available recordkeeping, including disclosure of information as required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), it will not include personally identifying information about parties. The Title IX Coordinator or designee will work with the Director of the Department of Public Safety or designee to determine what information about a complainant should be disclosed and to whom this information will be disclosed. Decisions about disclosure will be made by considering factors such as, but not limited to, the privacy interests of the complainant and the potential need for disclosure in order to effectuate the accommodations or protective measures. If it is decided that some disclosure is necessary, complainants will be informed of which information will be shared, with whom it will be shared and why.

## 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 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.

In accordance with May 2020 Title IX regulations, the College will not access, consider, disclose, or otherwise use a party's privileged records or require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

### Other College Officials

Other College officials are discreet and strive to respect reasonable privacy expectations to the extent practicable, but they are not able to guarantee confidentiality. General inquiries or questions about this policy and its 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. When confidentiality is requested, the College will evaluate the request for confidentiality in the context of its responsibility to provide a safe and nondiscriminatory environment for all students, faculty and staff and to promote the health, safety, or well-being of members of the Landmark community. If an individual who makes a report insists that his or her name or other identifiable information not be revealed and the College is able to respect that request, the College's ability to respond fully to the reported behavior may be limited.

The College will protect the confidentiality of individuals allegedly subjected to Prohibited Conduct to the extent practicable in light of the need to do investigations and conduct disciplinary proceedings.

## 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 and discreet but not necessarily confidential, are described immediately above.

### Confidential On-Campus Resources

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

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

Resident Deans	
Resident Assistants	
Academic Advisors	
Campus Safety	(802) 387-6899
Michael Giannetto, Director of Campus Safety	(802) 387-1689
Scott Ansevin-Allen Dean of Campus Life & Director	(802) 387-6411
Craig Marcus, Dean of Students	(802) 387-6362

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### Off-Campus Community Resources

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Women's Freedom Center  
advocates@womensfreedomcenter.net

24-hour Hotline: (802) 254-6954

Business line: (802)-257-7364

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Windham County Victim Advocate

(802) 257-2860

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Brattleboro Memorial Hospital ER

(802) 257-8222

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Brattleboro Health Center

(802) 258-3905

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Windham County Sheriff

(802) 365-4949

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Vermont State Police

(802) 722-4600

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## Reporting and Initial Considerations Regarding Sexual Harassment/Misconduct, Domestic Violence, Dating Violence, or Stalking Complaints

The reporting opportunities and initial considerations outlined below apply to concerns about and complaints of Title IX Sexual Harassment (which includes Title IX-covered sexual harassment, domestic violence, dating violence, sexual assault and stalking as defined above as Title IX Sexual Harassment) and Non-Title Misconduct (which includes sexual harassment, domestic violence, dating violence, sexual assault, sexual exploitation and stalking as defined above as Non-Title IX Misconduct), whether those concerns involve reported Prohibited Conduct directed against students or employees by students, employees or third parties over whom the College has some measure of control.

### Reporting by Employees with Oversight Responsibility

Individuals with supervisory or oversight responsibility (for example, Dean of Students, Assistant Dean, Academic Advisors, Campus Safety Staff, Department Chairs, staff supervisors or faculty) are responsible for promptly reporting to the Title IX Coordinator or Human Resources, any complaint or information they learn regarding sexual harassment/misconduct, domestic violence, dating violence, sexual assault or stalking. Failure by a supervisor to appropriately report such complaints and/or alleged acts could result in disciplinary action.

Any student, faculty or staff member who wishes to report a complaint of or concern about Prohibited Conduct 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 through the means of contact outlined below.

Any person may report concerns or complaints about Prohibited Conduct 24 hours per day, 7 days per week by email to the Title IX Coordinator, Michael Luciani, at [mluciani@landmark.edu](mailto:mluciani@landmark.edu), during business hours by phone to the Title IX Coordinator at (802) 387-6713, or 24/7 to Campus Safety at (802) 387-6899.

Individuals with a disability may request accommodations to ensure their full and equal participation in reporting incidents of Prohibited Conduct, as well as the investigatory and adjudicatory process under this policy. Requests for accommodations in connection with the reporting, investigatory and/or adjudicatory process are determined on an individual basis by

the Title IX Coordinator, in consultation with the ADA/Section 504 Coordinator as appropriate.

When a student or employee reports to the College that the student or employee has been subjected to dating violence, domestic violence, sexual assault, or stalking, whether the reported conduct occurred on or off campus, the College will provide the student or employee a written explanation of the student's or employee's rights and options, as described in this policy. This written explanation will include, but not be limited to:

1. How and to whom the alleged offense should be reported.
2. Importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protective order.
3. Options about the involvement of law enforcement and campus authorities; to be assisted by campus authorities in notifying law enforcement authorities if a respondent so chooses. A complainant may also choose not to notify such authorities.
4. Where applicable, the rights of a complainant and the institution's responsibilities for orders of protection, "no-contact" orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court, or by the institution.
5. Options and assistance in the area of requesting alternative academic, transportation, working and/or living situations and other protective measures that are reasonably available, even if a complainant chooses not to file a formal complaint.
6. The institution's procedures for disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.

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

### Contacting Law Enforcement and Orders of Protection

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 Campus Safety, 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.. 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. The procedures for making a police report will vary depending upon the particular law enforcement agency involved, but in general, making a police report will involve meeting with law enforcement officers for an interview, the collection of evidence, and follow-up communications with law enforcement as their investigation proceeds. Individuals who are being or who may have been subjected to Prohibited Conduct 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 Prohibited Conduct, and to seek help from appropriate law enforcement, medical or College personnel. 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.

In cases that have involved sexual contact, a forensic examination by a Sexual Assault Nurse Examiner (“SANE”) is the best way to preserve potentially valuable evidence. S.A.N.E. examinations are available at local hospitals. The College will assist an individual who would like to be transported to the Brattleboro Memorial Hospital for a S.A.N.E. examination. Having a S.A.N.E. examination does not require an individual to file a police report or pursue criminal prosecution or a protection order, but having an examination can be very important if the individual decides at a later time to pursue any of those options.

You should also endeavor to preserve other evidence that may be relevant to a case of Prohibited Conduct, 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.

Preserving any and all evidence may be important in any process that seeks to determine if an offense occurred and in the process of obtaining an order of protection.

## Initial Communication with a Complainant

If a report alleges conduct that would, if proved, constitute Prohibited Conduct, the Title IX Coordinator will:

- promptly contact the complainant to discuss the availability of supportive measures as defined below;
- consider the complainant’s wishes with respect to supportive measures;
- inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
- explain to the complainant the process for filing a formal complaint.

## Supportive Measures

If Prohibited Conduct is reported to College authorities, College personnel will work to determine whether alternative academic, transportation, working and/or living situations are reasonably available and necessary in a particular case. Such measures, which are known as supportive measures, will be provided if requested and reasonably available. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before



or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the College's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter Prohibited Conduct.

Supportive measures may include but are not limited to:

- access to counseling and medical services
- assistance in obtaining a sexual assault nurse examination
- academic accommodations, such as extensions of deadlines or other course-related adjustments, course changes or late drops, or other arrangements as appropriate;
- modifications of work or class schedules;
- assistance in requesting long-term academic accommodations through the Office of Access and Learning Accommodation, if the complainant qualifies as an individual with a disability
- change in class schedules, including the ability to transfer course sections or withdraw from a course;
- campus escort services and safety planning steps;
- mutual restrictions on contact between parties and/or other individuals;
- residential accommodations, including but not limited to arranging for new housing, or providing temporary housing options, as appropriate;
- assistance navigating off-campus housing concerns;
- changes in work locations;
- leaves of absence;
- increased security and monitoring of certain areas of campus;
- changing transportation or working arrangements or providing other employment accommodations, as appropriate;
- assisting the individual in accessing support services, including, as available, victim advocacy, academic support, counseling, disability, health or mental health services, visa and immigration assistance, student financial aid services, and legal assistance both on and off campus, as applicable;
- voluntary leaves of absence;
- referral to resources which can assist in obtaining an order of protection under Vermont law;
- referral to resources which can assist with financial aid, visa, or immigration concerns;
- no trespass notices prohibiting the presence of an individual on College property; and
- other similar measures.

Requests for supportive measures should be directed to the Title IX Coordinator. Requests will be evaluated and responded to by the Title IX Coordinator or designee after consultation, as needed, with other campus personnel whose cooperation may be necessary or helpful in evaluating or providing requested measures. The Title IX Coordinator is ultimately responsible for coordinating the effective implementation of supportive measures.

The availability of supportive measures will be determined by the specific circumstances of each report. The College will consider a number of factors in determining which measures to take, including but not limited to the needs of the student or employee seeking supportive measures; the severity or pervasiveness of the alleged conduct; any continuing effects on the parties; whether the complainant and the respondent share the same residence hall, academic course(s), or job location(s); and whether judicial measures have been taken to protect the complainant (e.g., protective orders or relief from abuse orders).

All individuals are encouraged to report to the Title IX Coordinator any concerns about the failure of another to abide by any restrictions imposed through supportive measures. In the event of an immediate health or safety concern, individuals should contact 911 immediately. The College will take prompt action to enforce a previously implemented measure, and disciplinary penalties can be imposed for failing to abide by a College-imposed supportive measure.

The College will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims both within the institution and in the community.

As noted above, the College will take reasonable steps to maintain as confidential any supportive measures provided, to the extent that maintaining such confidentiality does not impair the College's ability to provide the supportive measures.

## **Interim Suspension, Emergency Removal and Administrative Leave**

### *Interim Suspension of Students in Non-Title IX Misconduct Cases*

The College may decide at its discretion to suspend a student respondent on an interim basis, that is, while an investigation is pending, in cases that fall within the definition of Non-Title IX Misconduct outlined above. The determination of whether to impose an interim suspension will be made by the Title IX Coordinator in consultation with other College officials as appropriate. A respondent may be suspended on an interim basis when the College has received information which indicates that the respondent's continued presence on campus will likely have a serious effect on the physical, mental, or emotional health, safety or well-being of another person, when physical safety is seriously threatened, or when the ability of the College to carry out its operations is threatened or impaired. The College may permit written challenges to such decisions at its discretion, through procedures determined by the College to be appropriate under the circumstances of a particular case.

### *Emergency Removal of Students or Employees in Title IX Sexual Harassment Cases*

When the College determines that there is an immediate threat to the physical health or safety of any student or other individual arising from reported conduct that falls within the definition of Title IX Sexual Harassment stated in this policy, the College can remove a respondent from its education program or activity (which may include removing an employee respondent from their employment at the College, subject to any rights or procedures provided in any applicable collective bargaining agreement) and issue any necessary related no-trespass and no-contact orders. The College will make the decision to remove a respondent from its education program or activity based on an individualized assessment and risk analysis.

If the College makes such a decision, the respondent will be provided with notice and an opportunity to challenge the decision immediately following the removal. Specifically, the respondent shall have forty-eight hours in which to submit a letter to or appear personally or virtually before an individual designated by the President to contest the emergency removal (though a meeting could be scheduled sooner if requested by the respondent, if practicable).

### *Administrative Leave in Title IX Sexual Harassment Cases*

The College always maintains the discretion to place non-student employee respondents on paid administrative leave during the pendency of an investigation and resolution process as outlined below.

The College may also place a non-student employee respondent on unpaid administrative leave during the pendency of an investigation and resolution process.

The College may place student-employee respondents on administrative leave from their employment during the pendency of an investigation and resolution process where deemed appropriate as a supportive measure, under circumstances where it can do so without unreasonably burdening the student-employee respondent.

## Formal Complaints of Sexual Harassment/Misconduct, Domestic Violence, Dating Violence, Stalking or Related Retaliation

A student or employee may file a formal complaint of Prohibited Conduct by a student or a third party by contacting the Title IX Coordinator (or in the case of a complaint against the Title IX Coordinator, by contacting the President of the College, who will designate an alternate contact person). A student or employee may file a formal complaint of Prohibited Conduct by an employee or a covered third party by contacting 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). A student who is filing a complaint against an employee or covered third party may also seek assistance from the Title IX Coordinator, who will provide support to the student in making contact with the Director of Human Resources. Relevant contact information is provided above.

The College's procedures for handling formal complaints will be prompt, fair and impartial from the initial investigation to the final result, in that they will be:

- Completed within reasonably prompt time frames as designated in the College's policies, which time frames may be extended for good cause and/or due to extenuating circumstances, with written notice to the complainant and the respondent of the delay and the reason for the delay;
- Conducted in a manner that is consistent with the College's policies and transparent to the complainant and the respondent, including timely notice of meetings at which the complainant or respondent may be present, and providing the complainant, the respondent, and appropriate College officials timely and equal access to any information that will be used during the College's process in accordance with the policies herein; and
- Conducted by officials who do not have a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent in a particular case. If either party is concerned that an official involved in an investigation or adjudication may be biased or have a conflict of interest, the party should share their concerns with the Title IX Coordinator immediately. If their concern is about the Title IX Coordinator, the party should contact the President of the College.

A formal complaint under these procedures is a document filed by a complainant, signed personally or electronically by the complainant (or signed by the Title IX Coordinator under circumstances outlined below), and must request that the College investigate reported Prohibited Conduct. The formal complaint may be prepared by the complainant and submitted in writing to the Title IX Coordinator, or may be written by the Title IX Coordinator based upon the complainant's verbal description of the alleged conduct, then submitted to the complainant for their review, editing and signature.

## Determinations of Applicable Procedures, Dismissals, Transfers and Appeals of Such Determinations

When a complainant requests an investigation, the Title IX Coordinator will promptly upon receipt of a formal complaint:

1. determine whether the conduct alleged would, if proved, constitute Title IX Sexual Harassment (i.e., Quid Pro Quo Sexual Harassment, Severe, Pervasive and Objectively Offensive Sexual Harassment, Sexual Assault, or sex-based Domestic Violence, Dating Violence or Stalking) as defined in the Title IX Sexual Harassment definition stated above;
2. determine whether the conduct allegedly occurred in the College's education program or activity;
3. determine whether the conduct allegedly occurred in the United States; and
4. determine whether at the time the formal complaint was made, the complainant was participating or attempting to participate in a College program or activity.

If a formal complaint of conduct that would, if proved, satisfy all 4 of these elements and constitute Title IX Sexual Harassment as defined in this policy is filed by a complainant or signed by the Title IX Coordinator, it will be investigated and resolved through the procedures applicable to Title IX Sexual Harassment matters as outlined below.

The College will, as noted above, investigate alleged Title IX Sexual Harassment when a complainant submits a signed or electronically-submitted formal complaint to the Title IX Coordinator and requests an investigation. The Title IX Coordinator may also choose at their discretion to sign a formal complaint and initiate an investigation, even if the complainant chooses not to do so. In cases where the complainant does not wish to submit a formal complaint but the Title IX Coordinator decides in their discretion to sign a complaint and initiate an investigation and resolution process, the Title IX Coordinator will not be a complainant or otherwise a party to the matter.

If some but not all of the conduct alleged in the complaint satisfies all 4 of these elements and a formal complaint is received from a complainant or signed by the Title IX Coordinator, the College has the discretion to address the entire matter through the procedures applicable to Title IX Sexual Harassment matters as outlined below (that is, it will as required by federal regulations to follow Title IX Sexual Harassment procedures to address the alleged Title IX Sexual Harassment, and it may choose, to promote efficiency, to follow Title IX Sexual Harassment procedures to address Non-Title IX Misconduct and other non-Title IX alleged misconduct in such mixed cases, so that all related misconduct may be addressed through one investigation and resolution process). The College will make such decisions in the exercise of its best judgment to promote efficiency, and in accordance with applicable law, regulation and U.S. Department of Education guidance.

If it appears based upon initial review or upon information gathered during an investigation that the matter does not satisfy and/or no longer satisfies all 4 of these elements, the College will, as required by the May 2020 Title IX regulations, dismiss the matter for purposes of the Title IX Sexual Harassment process, and will, to the extent deemed appropriate by the College, transfer it for handling under other College procedures. Investigation and resolution of a matter that does not fall within the definition of Title IX Sexual Harassment may be pursued, dismissed altogether, or transferred to another College process, as deemed appropriate in the College's discretion and/or as appropriate under applicable law.

Even if the initial allegations of a matter fall within the definition of Title IX Sexual

Harassment, the College may (but is not required to) dismiss a formal complaint or any allegations therein if at any time during the investigation or resolution process:

- A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- The respondent is no longer enrolled at or employed by the College; or
- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

If a formal complaint is dismissed by the College under the circumstances described above, the College will simultaneously provide to the parties written notice (by electronic or other means) of the dismissal and the reasons for the dismissal, and notice of the parties' opportunity to appeal such dismissal through the appeal procedures outlined below.

If the respondent is a student and an employee, the Title IX Coordinator will determine which procedures apply based upon the facts and circumstances, such as whether the respondent's status as a student or an employee predominates in the context of the Prohibited Conduct. If a student-employee is found to have engaged in Prohibited Conduct, the student-employee may be subject to sanctions both in connection with their employment, and in connection with their student status, as appropriate under these and other applicable procedures.

### Notice in Title IX Sexual Harassment Cases

If the College initiates an investigation of reported Title IX Sexual Harassment, it will provide to the parties a written notice (by electronic or other means) that includes:

- Information about the College's formal and informal resolution processes;
- A statement of the allegations of behavior potentially constituting Prohibited Conduct, including sufficient details known at the time and with sufficient time to prepare a response before any initial post-intake interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Prohibited Conduct, and the date and location of the alleged incident, if known;
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- Information regarding the College's presumption of good faith reporting and a summary of the College's false information policy;
- Notification that parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
- Notification of existing counseling, health and mental health services available on campus and/or in the community;
- Notification that the parties may inspect and review evidence during the investigation and resolution process, as provided below; and Notification that taking any retaliatory action (directly or through others) against any person involved in the investigation is prohibited and will be considered a separate violation of College policy.

If in the course of an investigation the College decides to investigate allegations about any party that are not included in the notice described above, it will provide notice of the additional allegations to the parties whose identities are known.

## Consolidation of Formal Complaints

The College may consolidate formal complaints as to allegations of Title IX Sexual Harassment and/or Non-Title IX Misconduct (in mixed cases as described above) against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of such Prohibited Conduct arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this section to the singular “party,” “complainant,” or “respondent” include the plural, as applicable.

## Investigations in Title IX Sexual Harassment Cases

The Title IX Coordinator will appoint an investigator or investigators (generally referred to in the singular here for convenience). Investigators may be College employees or third-party contractors, as determined at the College’s discretion. The College will provide notice to the parties of the identities of the investigators. If a party believes that an investigator has a bias for or against complainants or respondents generally or for against a particular complainant or respondent, or has a conflict of interest, the party may within two (2) business days submit a written objection to the Title IX Coordinator that outlines the basis for their objection to the investigator’s service. The Title IX Coordinator will make a decision on such objections, and will appoint any alternate investigator, and follow this process as necessary, until an investigator is selected to conduct the investigation.

If a respondent who has been notified of an investigation fails to cooperate with the investigator, the investigation may proceed, a finding may be reached, and a sanction may be imposed based on the information available. In a case where a criminal investigation or criminal proceeding is underway regarding the same incident(s), the College may choose to delay its investigation for a reasonably short period while law enforcement officials are gathering evidence. During this period, the College may implement supportive measures to promote the safety and well-being of the parties and the College community while the law enforcement agency’s fact-gathering is in progress. The College, after a reasonable period and communication with law enforcement, will initiate or resume, and complete its own investigation.

The College will endeavor to complete the investigation portion of the process within 90 days of issuing a notice of investigation as described above, but this may be extended at the College’s discretion due to factors such as the complexity of the matter, the availability of witnesses, requests by law enforcement agency for a temporary delay in the investigation process (see below), College breaks, and other legitimate reasons.

Deadlines for parties’ review of information and submission of comments may be extended upon request for good cause, at the discretion of the Title IX Coordinator or their designee.

The investigator will conduct an appropriate investigation which may include interviews with the complainant, the respondent, and other persons with information. These interviews may be audio-recorded. As required by the Clery Act, individuals conducting investigations and determination proceedings will receive training annually on the issues related to sexual assault, domestic violence, dating violence, and stalking, and how to conduct an investigation and/or determination process that protects the safety of complainants and promotes accountability.

To the extent permitted by law, the complainant and respondent will be afforded the same

rights and opportunities throughout the investigation and adjudication process, including the opportunity to recommend witnesses and submit evidence. However, investigation logistics, including but not limited to the sequence of interviews, the decision to interview particular witnesses, and the decision to allow or consider evidence offered by the parties, are within the discretion of the investigator.

The complainant and respondent will be asked to identify, preserve, and submit all evidence pertaining to the matter under investigation, and to identify witnesses they believe may have relevant testimony to share. The investigator is not required to consider the evidence submitted or interview any particular witness, even if identified by one of the parties. However, in determining whether to interview witnesses or review evidence, the investigator should consider such factors as equity, fairness, thoroughness, and impartial treatment of both parties. All participants in the investigation are expected to cooperate fully by providing complete, accurate, and truthful information.

Complainants and respondents are entitled to the same opportunities to have an advisor of their choice present at any interviews, meetings, or proceedings that they are attending related to the investigation and adjudication process under this policy. The advisor may advise the complainant or respondent privately but cannot act as a speaking advocate at a meeting. An investigator or other College representative may terminate meetings, and/or proceed with the investigation or adjudication based on otherwise-available information, if an advisor is disruptive or otherwise refuses to comply with the requirements of this policy.

While each party may have an advisor of choice, they may not compel any specific person to serve as their advisor. The College's faculty and/or staff may be available to serve as advisors, but none are required to do so.

An individual designated by the Title IX Coordinator will facilitate communications between the parties and the investigator.

Further, the following provisions will apply to Title IX Sexual Harassment Investigations:

- Parties' equal opportunity to present witnesses may include evidence from fact and expert witnesses; and
- Parties are not restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence; and
- Parties whose participation is invited or expected will receive written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

### Preliminary Investigative Report in Title IX Sexual Harassment Cases

When the investigator has gathered all of the information that they determine should be gathered as an initial matter, the investigator will prepare a preliminary investigative report. The preliminary investigative report will summarize relevant evidence but will not contain any recommendations regarding whether the respondent violated this policy or any other College policy at issue.

Further, the following additional provisions will apply during the preliminary investigative report stage of the investigation:

- The College will provide each party with an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised, including the evidence upon which College does not intend to rely in reaching a determination regarding responsibility and/or which the investigator does



not deem relevant, and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Such evidence will not include un-redacted privileged records or information that may have been gathered or received during the investigation, absent written consent from the party holding the privilege.

- The College will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy.
- Parties and advisors are not permitted to download, print, or copy such evidence subject to inspection and review, and are not permitted to re-disclose such evidence without the College's permission. Parties and advisors will be required to sign an acknowledgment form indicating that they understand these prohibitions. Violations of these prohibitions may subject parties to College discipline under applicable conduct codes.

### Review and Response to Preliminary Investigative Report in Title IX Sexual Harassment Cases

The complainant and the respondent will have an opportunity to review the preliminary investigative report and provide written responses to the report. The complainant and the respondent must submit any comments, feedback, additional documents, evidence, suggested questions for individuals interviewed, requests for additional investigation, names of additional witnesses, or any other information they deem relevant to the investigator, additional documents or other evidence, within 10 calendar days after the preliminary investigative report is sent or made available to them for review. The parties' written responses will be considered by the investigator prior to completion of the final investigative report, and some or all of the responses may be attached or otherwise incorporated into the final investigative report.

In the event that new, relevant information is provided or identified at this stage, the information will be incorporated into the preliminary report as deemed appropriate by the investigator.

### Final Investigative Report in Title IX Sexual Harassment Cases

After considering any written response submitted by either party, or after the 10 calendar day comment period has lapsed without receiving a written response or responses, the investigator will address any relevant issues identified by the complainant and/or the respondent, and as appropriate, pursue any additional investigative steps as needed. The final investigative report will include the investigator's non-binding recommendation as to whether the respondent should be found responsible for violating the policy provisions at issue. The investigator's recommendation will be reached by applying the preponderance of evidence standard, i.e., whether it is more likely than not that the policy was violated. The final investigative report will be reviewed by the Title IX Coordinator before it is issued. Final investigative reports will be provided simultaneously to the parties and their advisors, if any. The College will give each party an opportunity to review the other party's written response, if any.

Further: :

- The final investigative report created by the investigator will fairly summarize relevant evidence and include as exhibits evidentiary materials as deemed appropriate by the investigator;



- At least 10 calendar days prior to the hearing referenced below, the College will send to each party and the party's advisor, if any, the final investigative report and exhibits in an electronic format or a hard copy, for their review and written response;
- Any written response a party wishes to provide must be submitted to the Title IX Coordinator or designee within 10 calendar days of receiving the final investigative report and exhibits; and
- The final investigative report and the parties' written responses, if any, will be provided to the hearing officer in advance of the hearing.

## Hearings in Title IX Sexual Harassment Cases

The procedures outlined immediately below in this section apply to cases that involve allegations that a student or employee respondent engaged in conduct that, if proved, would fall within the definition of Title IX Sexual Harassment.

Live hearings will be provided in Title IX Sexual Harassment matters, as required by the May 2020 Title IX regulations.

### Hearing Officers

Hearings will be presided over by a hearing officer, who will make the decision by a preponderance of the evidence as to whether or not the respondent violated the policy provisions at issue. The hearing officer has broad authority to determine the process, timing and conduct of a hearing. For example, the hearing officer will determine the order of presentation, timing and overall duration of the hearing, what information and evidence will be heard, what information and questions are relevant to the determination of the matter, and what cross-examination questions will or will not be permitted.

Hearing officers will be appointed by the Title IX Coordinator. In selecting a hearing officer for a particular matter, the Title IX Coordinator will take care to select an individual who does not have a conflict of interest or bias for or against complainants or respondents generally or for or against an individual complainant or respondent. The College will notify the parties of the identity of the hearing officer in advance of the hearing, and parties may, within 3 calendar days of such notice, object to the service of the hearing officer by providing a written statement (which may be transmitted electronically) as to why the party believes that the hearing officer has a conflict of interest or bias. The Title IX Coordinator or designee will make decisions regarding such objections and the appointment of an alternate hearing officer, as necessary.

### Advisors

Each party may have an advisor of their choice present at a hearing for the limited purpose of conducting cross-examination on behalf of that party. Advisors may be, but are not required to be, attorneys. If a party does not have an advisor of their choice present at a hearing, the College will without fee or charge to the party provide an advisor of the College's choice, again for the limited purpose of conducting cross-examination on behalf of that party. No later than 10 calendar days before the hearing, parties should inform the Title IX Coordinator of the identity of any advisor of choice who will accompany them to the hearing, so that the College will know whether or not it needs to arrange for the presence of a College-provided advisor.

At a time and manner deemed appropriate by the hearing officer, the advisor for each party

will be permitted to ask the other party and any witnesses all relevant cross-examination questions and follow-up questions, including those challenging credibility. Except for that limited role, advisors may not participate actively in the hearing and may not speak or otherwise communicate on the part of the party that the advisor is advising. However, the advisor may consult privately in a non-disruptive manner with their advisee during and/or at a recess in the hearing. Scheduling accommodations generally will not be made for advisors if they unduly delay the process. The College reserves the right to take appropriate action regarding any advisor who disrupts the process, or who does not abide by the restrictions on their participation as determined in the sole discretion of the hearing officer, which may include exclusion of the advisor from the hearing and the appointment of an alternate College-provided advisor.

### Requests for Appearance of Witnesses

If a party wishes to have an individual appear at the hearing as a witness, they must provide notice of the identity of the proposed witness and a brief description of the subject matter of the witnesses' testimony to the Title IX Coordinator or designee at least 10 calendar days before the date of the hearing. The Title IX Coordinator or designee, in consultation with the hearing officer as necessary, will determine whether the witness is likely to have information that is relevant to the hearing, and if it is determined that the witness is likely to have relevant information, the Title IX Coordinator or designee will inform the witness that their presence at the hearing is required (to the extent that the College has jurisdiction to require the presence of the witness) or requested.

### Conduct of Hearings and Relevance

At or before the hearing, the hearing officer will receive a copy of the final investigative report, any attachments thereto, and copies of the parties' written responses to the final investigative report, if any, which will be part of the information of record to be considered by the hearing officer. The recommendation regarding responsibility made by the investigator in the final investigative report is only advisory and is not binding on the hearing officer; the hearing officer will make an independent determination regarding responsibility based upon the investigative report, evidence admitted at the hearing, and the testimony and cross-examination of parties and witnesses at the hearing, as applicable.

Subject to the discretion of the hearing officer, hearings will ordinarily begin with introductory remarks by the hearing officer, followed by opening statements from any party who wishes to provide one, followed by the hearing officer's asking relevant initial questions of the parties as deemed appropriate by the hearing officer. During this portion of the hearing, advisors may confer privately and in a non-disruptive manner with their advisee, but they are not allowed to make opening statements or otherwise address the hearing officer or anyone else present at the hearing.

After the hearing officer has asked their initial questions of the parties, the hearing officer will permit each party's advisor to ask the other party all relevant questions and follow-up questions, including those challenging credibility.

Subject to the discretion of the hearing officer, questioning of witnesses will generally follow a similar process, whereby the hearing officer will pose relevant questions to each witness, then the parties' advisors will be permitted to ask relevant questions of witnesses.

In accordance with May 2020 Title IX regulations, such cross-examination by advisors will be conducted directly, orally, and in real time by the party's advisor of choice and never by a

party personally.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the hearing officer will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Advisors are not permitted to object to hearing officer decisions regarding relevance during a hearing.

Regarding the evidence subject to inspection and review that was provided to the parties and their advisors under the Title IX Sexual Harassment matter-specific investigation procedures outlined above, a copy of such evidence will be made available at the hearing, and each party and/or their advisor (as applicable) will have an equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Information protected under a legally recognized privilege (such as, for example, privileged communications between a party and their physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a treatment capacity, or privileged communications between a party and their attorney), is not relevant unless the person holding the privilege has waived the privilege.

At the request of either party, the College will provide for the hearing to occur with the parties located in separate rooms with technology enabling the hearing officer and parties to simultaneously see and hear the party or the witness answering questions. Live hearings may be conducted with all parties physically present in the same geographic location or, at the College's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

Formal rules of evidence do not apply to hearings conducted by the College. The hearing officer may at their discretion consider statements of a party or witness made before or at a hearing and/or other information and give the weight to such information as they determine is appropriate under the circumstances, regardless of whether the party or witness appears at or answers some or all cross-examination questions at a hearing. Hearing officers will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

At the discretion of the hearing officer, parties (but not their advisors) will usually be given an opportunity to make a closing statement at the conclusion of the hearing.

### Record of Hearings

The College will create an audio or audiovisual recording and/or transcript, of any live hearing, and will make it available to the parties for inspection and review.

### Determinations Regarding Responsibility

In student respondent cases, within 14 days after the hearing, the hearing officer will prepare

and issue a written determination regarding responsibility and, if applicable, any sanctions.

In employee respondent cases, within 14 days after the hearing, the hearing officer will prepare a decision regarding responsibility. If the hearing officer determines that the respondent is not responsible for violations of College policy, the hearing officer will issue a written determination as provided below. If the hearing officer determines that the respondent is responsible for violating College policy, the hearing officer and/or a separate sanctioning officer (as deemed appropriate by the College) will work together to produce a written determination regarding responsibility and any sanctions. provide notice of that decision to the Director of Human Resources (or designee). In determining responsibility, the hearing officer will apply the preponderance of the evidence standard.

Written determinations will include:

- Identification of the section(s) of the College's Title IX Sexual Harassment policy alleged to have been violated;
- A description of the procedural steps taken from the receipt of the complaint through the determination, including but not limited to, as applicable, any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of definitions of sexual harassment in the College's Title IX Sexual Harassment Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility and, where necessary and in collaboration with the sanctioning officer, a statement regarding any recommended sanctions and the rationale therefor; and
- Identification of the College's procedures and permissible bases for the complainant and respondent to appeal (as outlined below).

The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.

The determination will also indicate whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the complainant, but will not provide details about any such remedies.

If sanctions are necessary, they will be assigned in accordance with the Sanctions section below. The parties will receive notice simultaneously of the written determination regarding responsibility and, if necessary, any sanctions as determined through the procedures outlined below.

## Standard of Proof

Proceedings under this policy use the "preponderance of the evidence" or "more likely than not" standard of proof. This means that for a recommendation (by an investigator) or a finding (by a hearing officer) of responsibility to be made, it must be determined that there is more than a 50 percent likelihood that actions or behavior in violation of the policy at issue did occur.

## Sanctions

Sanctions for violations of this Policy may include one or more of the following:

- Expulsion
- Suspension
- Written Reprimand or Warning
- Verbal Reprimand or Warning
- Separation from employment and/or student-employment
- Disciplinary Probation
- Employee or Faculty Probation
- Nonrenewal of contract
- Referral to another College employment-related process for the determination of employment-status-related sanctions
- Revocation of honors, awards, or degrees
- Restricted access to College facilities or activities, including student organizations or athletic or intramural participation
- Community Service
- Issuance of a “No Trespass” or “No Contact” Order
- Removal from student housing

In addition, the College may determine that additional remedies are warranted, such as education or training for some or all members of the College community.

In cases where a student is found responsible for Prohibited Conduct as defined above, sanctions will be determined by the hearing officer.

In cases where a faculty member or staff member is found responsible for Prohibited Conduct as defined above, sanctions (which may include referral to a separate process for the determination of employment-status-related sanctions, as appropriate), will be determined by a College administrator appointed by the President.

If applicable, the sanctioning officer will determine sanctions after receiving notice from the hearing officer that a determination of responsibility has been made in a particular case, and based upon a review of file documents and other case-related resources as deemed appropriate at the discretion of the sanctioning officer. The sanctioning officer and the hearing officer will collaborate to produce one written determination, which will provide notice to the parties of findings regarding responsibility, resulting sanctions, and the rationale therefor, along with the other information listed in the written determination description section above. Written determinations regarding responsibility and sanctions will be communicated to the parties simultaneously.

### Disposition Without A Determination/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, once it has determined that the student respondent understands fully but has decided not to take advantage of the rights provided by the procedures described above, offer the option of Disposition Without a Determination, which is also called a Dean’s Sanction. For a full description of the Dean’s Sanction process, please see the “Disciplinary Sanctions” section of the Student Code of Conduct and Policies.

## Appeal Procedure in Title IX Sexual Harassment Cases

Each party to a case falling under this policy has a right to appeal the Title IX Coordinator's dismissal of a formal complaint for Title IX purposes or a determination regarding responsibility on the following grounds:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Within seven (7) calendar days of the date on which the written determination regarding responsibility and, if applicable, sanctions, is transmitted to the parties, either the complainant or respondent may appeal the decision to an appeals officer. The appeals officer is the President of the College. Appeals are initiated by the appealing party's delivery of a statement of appeal to the Title IX Coordinator, who will forward the statement of appeal to the appeals officer. The other party may be notified of any submitted appeal through the Title IX Coordinator or their designee. The other party may submit a written response to the appeal within 5 working days of delivery of the appealing party's 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 appeals officer is final.

## Informal Resolution in Title IX Sexual Harassment Cases

Informal resolution is a voluntary resolution option that does not involve formal hearing-based resolution procedures. Informal resolution may be used in Title IX Sexual Harassment matters in which a formal complaint has been filed by a complainant or signed by the Title IX Coordinator.

At any time prior to reaching a determination regarding responsibility, the College may facilitate an informal resolution process (e.g., mediation or restorative justice) where requested by a party and agreed to by both parties. If a party requests the initiation of an informal resolution process and the Title IX Coordinator agrees that the matter is appropriate for informal resolution, the College will provide to each party a written notice that discloses:

- The allegations;
- The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations-
  - As noted below, the College generally permits parties to withdraw from the informal resolution process and initiate or re-initiate a formal investigation and hearing process at any time before the informal resolution process is completed and any informal resolution is agreed to in writing by the parties); and
- Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared (for example, statements made by parties in the course of an informal resolution process will not be

considered by the College in any subsequent formal resolution process in the event that the matter is not resolved through the informal resolution process.

All parties and the Title IX Coordinator must agree to informal resolution for this option to be used. The Title IX Coordinator will assess the request for informal resolution in light of factors such as, but not limited to, the severity of the alleged violation and the potential risks to campus community members posed by the reported misconduct. The College will only proceed with an informal resolution process if both parties provide their voluntary, written consent to having the matter resolved through the informal resolution process.

The matter will be deemed resolved if and when the parties expressly agree in writing to an outcome that is acceptable to them and which is approved by the Title IX Coordinator (in consultation with other College administrators as deemed necessary). A party may withdraw from the informal resolution process at any time prior to their execution of a written informal resolution agreement. After an informal resolution is agreed to in writing between the parties, neither party may initiate a formal resolution process regarding the same factual allegations.

At any time before a matter is resolved through informal resolution, the Title IX Coordinator may terminate an informal resolution process and initiate or re-initiate a formal investigation and resolution process at any time, as they deem appropriate in their discretion.

The College will not offer to facilitate an informal resolution process in any matter that involves allegations that an employee sexually harassed a student.

## Educational Programming

The College will provide educational programming for students and employees addressing the issues of domestic violence, dating violence, sexual assault, and stalking, which will include: 1) primary prevention and awareness programs for all incoming students and new employees; 2) safe and positive options for bystander intervention; 3) information on risk reduction to recognize warning signs of abusive behavior; 4) ongoing prevention and awareness programs for students, faculty and staff who have responsibility for working with students.

## Disclosure of Results of Disciplinary Proceedings

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Upon written request, the College will disclose the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of any crime of violence or a non-forcible sex offense to the alleged victim or the next of kin (if the victim is deceased).

## Campus Sex Crimes Prevention Act (Sex Offender Registry)

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The Campus Sex Crimes Prevention Act requires sex offenders, who must register under state law, to provide notice of enrollment or employment at any institution of higher education (IHE) in that state where the offender resides, as well as notice of each change of enrollment or employment status at the IHE. In turn, this information will be made available by the state authorities to the local law enforcement agency that has jurisdiction where the IHE is located.



The College is not required to request this data from the state, but individuals may find information concerning registered sex offenders in the State of Vermont at this address: <http://vcic.vermont.gov/>. This information is made available for the purpose of complying with [13 V.S.A. section 540](https://legislature.vermont.gov/statutes/section/13/167/05401) (<https://legislature.vermont.gov/statutes/section/13/167/05401>) and the Adam Walsh Child Protection and Safety Act of 2006 ([Public Law 109-248](https://www.govinfo.gov/content/pkg/PLAW-109publ248/pdf/PLAW-109publ248.pdf)) (<https://www.govinfo.gov/content/pkg/PLAW-109publ248/pdf/PLAW-109publ248.pdf>).

## Crime Statistics

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The Department of Campus Safety, under the direction of the Director, or his or her designee, gathers and compiles the Department's crime statistics. In addition to the crimes reported to the Department, the Director will solicit information from the Office of Student Affairs. Statistics for crimes that occur off-campus are maintained by the Law Enforcement Agency involved.

## Definitions of Reportable Crimes

The following definitions are to be used for reporting the crimes listed in 34 CFR sec. 668.46 (previously 668.47) in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program. The definitions for murder, robbery, aggravated assault, burglary, motor vehicle theft, weapon law violations, drug abuse violations, and liquor law violations are excerpted from the Uniform Crime Reporting Handbook. The definitions of forcible and non-forcible sex offenses are excerpted from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Handbook. Source: Federal Register, April 29, 1994, Vol. 59, No. 82; Federal Register, November 1, 1999, Vol. 64, No. 210.

**Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.

**Manslaughter by Negligence:** Any death caused by gross negligence of another.

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

- **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. This offense includes the rape of both males and females.
- **Fondling** is the touching of the private body parts of another person for sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or his/her 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.
- **Statutory rape** is sexual intercourse with a person who is under the statutory age of consent.

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



**Aggravated Assault:** An unlawful attack by one person upon another to inflict severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (Injury doesn't need to result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

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

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding.)

**Weapon Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

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

**Domestic Violence:** Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Dating Violence:** Violence committed by a person—

1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - a. the length of the relationship
  - b. the type of relationship
  - c. the frequency of interaction between the persons involved in the relationship

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

1. fear for his or her safety or the safety of others; or
2. suffer substantial emotional distress

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

**Liquor Law Violations:** The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

**Hate Crime:** Criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

**Unfounded Crimes:** For Clery Act purposes a crime can be determined to be unfounded only after a full investigation by sworn law enforcement personnel and after the sworn law enforcement officer makes a formal determination that the report is false and baseless.

Crime Statistics Report – Calendar Years 2020-2022				
		2022	2021	2020
<b>MURDER – NON-NEGLIGENT MANSLAUGHTER</b>				
	ON CAMPUS TOTAL	0	0	0
	RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
<b>MANSLAUGHTER BY NEGLIGENCE</b>				
	ON CAMPUS TOTAL	0	0	0
	RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
<b>RAPE</b>				
	ON CAMPUS TOTAL	1	2	2
	RESIDENTIAL FACILITIES	1	2	1
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
<b>FONDLING</b>				
	ON CAMPUS TOTAL	2	2	2
	RESIDENTIAL FACILITIES	2	1	1
	NON-CAMPUS	0	1	0
	PUBLIC PROPERTY	0	0	0
<b>INCEST</b>				
	ON CAMPUS TOTAL	0	0	0
	RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
<b>STATUTORY RAPE</b>				
	ON CAMPUS TOTAL	0	0	0
	RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
<b>ROBBERY</b>				
	ON CAMPUS TOTAL	0	0	0
	RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
<b>AGGAVATED ASSAULT</b>				
	ON CAMPUS TOTAL	0	0	0
	RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
<b>BURGLARY</b>				
	ON CAMPUS TOTAL	1	1	0
	RESIDENTIAL FACILITIES	0	1	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
<b>MOTOR VEHICLE THEFT</b>				
	ON CAMPUS TOTAL	0	0	0
	RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0

## Crime Statistics Report – Calendar Years 2020-2022

		2022	2021	2020
<b>ARSON</b>				
	ON CAMPUS TOTAL	0	0	0
	RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
<b>LIQUOR LAW ARREST</b>				
	ON CAMPUS TOTAL	0	0	0
	RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
<b>LIQUOR LAW REFERRAL</b>				
	ON CAMPUS TOTAL	3	2	0
	RESIDENTIAL FACILITIES	3	2	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
<b>DRUG LAW ARREST</b>				
	ON CAMPUS TOTAL	0	0	0
	RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
<b>DRUG LAW REFERRAL</b> * Vermont decriminalized possession of small amounts of marijuana				
	ON CAMPUS TOTAL	1	2	2
	RESIDENTIAL FACILITIES	1	2	2
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
<b>ILLEGAL WEAPONS POSSESSION ARREST</b>				
	ON CAMPUS TOTAL	0	0	0
	RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
<b>ILLEGAL WEAPONS POSSESSION REFERRAL</b>				
	ON CAMPUS TOTAL	0	0	0
	RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
<b>DOMESTIC VIOLENCE</b>				
	ON CAMPUS TOTAL	0	0	0
	RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
<b>DATING VIOLENCE</b>				
	ON CAMPUS TOTAL	1	0	0
	RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
<b>STALKING</b>				
	ON CAMPUS TOTAL	0	0	0
	RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
<b>UNFOUNDED CRIMES</b>		0	0	0

## Clery Bias Crime Statistics – Calendar Years 2020-2022

REPORTABLE OFFENSES		RACE			GENDER			RELIGION			SEXUALITY			ETHNICITY			DISABILITY			GENDER IDENTITY			NATIONAL ORIGIN		
		2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020
MURDER/NON-NEGLIGENT MANSLAUGHTER																									
	ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE																									
	ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RAPE																									
	ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FONDLING																									
	ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
INCEST																									
	ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
STATUTORY RAPE																									
	ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ROBBERY																									
	ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT																									
	ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BURGLARY																									
	ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

## Clery Bias Crime Statistics – Calendar Years 2020-2022

REPORTABLE OFFENSES		RACE			GENDER			RELIGION			SEXUALITY			ETHNICITY			DISABILITY			GENDER IDENTITY			NATIONAL ORIGIN		
		2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020
MOTOR VEHICLE THEFT																									
	ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ARSON																									
	ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SIMPLE ASSAULT																									
	ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
INTIMIDATION																									
	ON CAMPUS	3	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LARCENY-THEFT																									
	ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DESTRUCTION/DAMAGE/ VANDALISM OF PROPERTY (except arson)																									
	ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ANY OTHER CRIME INVOLVING BODILY INJURY																									
	ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DOMESTIC VIOLENCE																									
	ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DATING VIOLENCE																									
	ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
STALKING																									
	ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

## Location and Geography Definitions

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**On-Campus:** Property within a reasonably contiguous area owned or controlled by the institution.

**Residence Facilities:** On-campus student housing owned or controlled by the institution.

**Off-Campus or Non-Campus:** Property controlled by student organizations recognized by the institution, or property owned or controlled by the institution used by students for educational purposes that is not contiguous to the campus.

**Public Property:** Sidewalks, streets, parking lots, or thoroughfares within the contiguous area of the institution or adjacent.

## Fire Regulations

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Compliance with fire regulations is a necessity in the residence halls. Sprinklers, smoke, and heat detectors are only a part of fire safety. While the residence halls are as fireproof as it is possible to make them, each room may contain combustible personal items, which make the following rules necessary.

On a regular basis, the College inspects smoke detectors and fire extinguishers, tests fire alarms and fire suppression systems, and evaluates building and fire escape routes. At this time, the College has determined improvements in these systems are not necessary during the next academic year. Plans for improvement will be reevaluated each year (typically in July).

## Fire Drills and Fire Alarms

Fire drills are performed within the first two weeks of the semester during the fall and spring semesters for each residential building on campus. During the summer sessions, the students are informed of the fire alarm system and where to go when the alarm system sounds. There are no formal fire drills conducted in the academic and business buildings on campus.

At the sound of a fire alarm, all occupants of a building are required to evacuate the building and remain at the designated meeting location until given explicit permission to return to the building by a College or Fire Safety official. The meeting points for the residence halls is predetermined by the Resident Dean and relayed to the students of that building during hall meetings. The classroom evacuation points are listed in the Critical Incident Management Plan based on the location of the building and the location of the event.

Community members who do not comply with fire-drill instructions will be subject to disciplinary action up to and including fines.

NOTE: All student rooms will have an evacuation route posted in each room. Students should become familiar with the main and secondary routes.

Whenever the fire alarm sounds:

- DO NOT PANIC.
- Shut your window.
- Close your door as you leave.

- Bring a towel to cover your mouth and nose to protect yourself from smoke inhalation.
- Do not take personal items with you. Items will hinder you from exiting quickly.
- Move quickly and carefully in the hallway.
- Do not try to escape through an area full of smoke or fire — use an alternate exit.
- Stay low to the ground or crawl to the nearest exit when there is any smoke in the air.
- Move to the designated meeting point for your building during a fire alarm.
- Listen for directions from staff or emergency personnel.
- Do not try to go back into the building for any reason until instructed by a College or Fire Department official.

## Fire Safety Training

Fire safety education programming is provided to the student body during the fire drill process and as requested during the semester by the Resident Deans, Resident Assistant, or local Fire Department. Training for the employees of the college will occur during departmental emergency response training. Training will include procedures that will be covered in case of a fire. See *Whenever the fire alarm sounds* instruction in the section above.:

During the calendar year, the College will hold, at a minimum, two fire drills for each residential unit. In the 2022 calendar year, each residence hall held a drill in the fall and spring semesters.

## Prohibited Items

1. Electrical appliances, including but not limited to halogen lamps, hot plates, toasters, immersion coils, “George Foreman” type grills, toaster ovens, electric blankets, space heaters, sun lamps, and power tools are not permitted.
2. Candles, camp stoves, lanterns, hurricane lamps, incense, or any other items with open flames are not permitted.
3. Fireworks, explosives, volatile liquids, and fuel are not permitted.
4. Posters, pictures, and other combustible wall decorations that are not placed flat against the wall or block or hinder entryways are not permitted. Combustible materials may not cover more than 20% of each wall.
5. Ceilings may not be decorated with fabric, posters, fishnet, or other combustible material that might ignite.
6. Wooden constructions (lofts, overstuffed chairs, etc.) unless they are approved by the Resident Dean, Campus Safety, or the Facilities personnel, are not permitted.
7. Room contents must not obstruct doors, passageways, or corridors. Tapestries may not be hung from the ceiling or across closet openings.
8. Extension cords and multi-plug outlets are not allowed unless they have manufactured surge protection devices and UL approved.
9. Hallway doors may not be propped open. Doors may only be held open by magnetic door holders that are connected to the fire alarm system.



10. Gas or charcoal grills are not allowed within 25 feet of the Bridges buildings.
11. Smoking is prohibited in all College buildings, facilities and general grounds and property with the exception of “Designated Smoking Areas”. For Landmark College, smoking is defined as the act of smoking or carrying a lighted cigarette, cigar, pipe or any other smoking material or device, including e-cigarettes, vaping devices, and hookahs. Smoking is prohibited in any College owned vehicle, and any vehicle parked or idling on campus, including personal vehicles.

## Fire Detection and Prevention Systems

### *Carbon Monoxide Detection*

All residential housing buildings are monitored with carbon monoxide detectors. Aiken Hall detectors are monitored by the building’s fire detection and alarm system. The remaining units are single mount detectors.

### *Frost Hall, Aiken Hall, Stone Hall, Davis Hall, and the Bridges*

These seven buildings are equipped with a full detection system that is monitored by a central station monitoring system. The buildings have a full wet-sprinkler system and portable fire extinguishers at the exit doors of the building.

### *Alumni Hall*

Alumni Hall is equipped with a full detection system that is monitored by a central station monitoring system. The building has a partial wet-sprinkler system that covers the Dining Hall, commercial kitchen, and boiler room. There are portable fire extinguishers at the exit doors of the building.

### *Chumley A and Chumley B*

Both Chumley A and B are equipped with a full detection system that is monitored by a central station monitoring system. The buildings have no sprinkler system in place. There are portable fire extinguishers at the exit doors of each building.

## Fire Evacuation Plans & Placards

Each residence hall room is equipped with a wall-mounted placard that provides a graphic representation of the residential floor, the location of the current room of occupancy, and the available evacuation routes in case of a fire.

## Tampering or Damaging Fire Safety Equipment

Fire alarms, fire sprinklers, and fire extinguishers are critical for safety and must not be tampered with. Students who pull false alarms and/or tamper with fire-safety equipment will be subject to fines and disciplinary action up to and including suspension or expulsion, fines from the Putney Fire Department, and may be subject to criminal charges. Students should not hang items from, cover, or otherwise obstruct the effective use of any fire notification or suppression equipment (smoke detectors, sprinklers, etc.).

## Fire Setting

Lighting a fire without authorization, intentionally or unintentionally, on College property, or setting fires with the intention of destroying property is strictly prohibited and in some cases may be considered illegal. Students who are responsible for fire setting will be subject to fines and disciplinary action up to and including suspension or expulsion, fines from the Putney Fire Department, and may be subject to criminal charges.

## Reporting a Fire

All residence halls are directly connected to the Keene Mutual Aid Dispatch Center, which dispatches the Putney Fire Department. In the case of a fire, or evidence that a fire has occurred, an individual should:

1. Pull the nearest fire alarm and then exit the building.
2. Contact 9-1-1
3. Notify a Resident Dean, Resident Assistant, or Campus Safety personnel as to where the fire is located.
4. Remain available to inform the Putney Fire Department or College staff, as they may need information.

## Daily Fire Log

The Landmark College Department of Campus Safety maintains a daily fire log. The log records, by the date reported, any fire that occurs in an on-campus student housing facility, and includes the date the fire was reported; the nature of the fire; the date and time of the fire; and the general location of the fire. Entries will be made in the daily fire log within two business days after Campus Safety received the information.

Landmark College will make the fire log for the most recent 60-day period open to public inspection during normal business hours. The College will make any portion of the log older than 60 days available within two business days of a request for public inspection.

By October 1<sup>st</sup> of each year, and in compliance with 34 CFR § 668.49, the College will make a report to the campus community on the fires recorded in the fire log during the previous three calendar years. These annual statistics are also submitted to the Department of Education.

## Fire Right-To-Know Statistics -2020

LOCATION	Date	Cause	Deaths Resulting	Injuries w/ Medical Treatment	Value of Property Damage
Aiken	None	None	0	0	0
Alumni	None	None	0	0	0
Bridge One	09/19/20	Aerosol	0	0	0
Bridge Two	01/30/20	Diffuser	0	0	0
Bridge Two	09/11/20	Unknown	0	0	0
Bridge Two	09/18/20	Burnt food	0	0	0
Bridge Two	09/26/20	Aerosol	0	0	0
Bridge Two	10/04/20	Burnt food	0	0	0
Bridge Two	11/09/20	Burnt food	0	0	0
Bridge Three	None	None	0	0	0
Bridge Four	01/30/20	Burnt Food	0	0	0
Bridge Four	02/13/20	Burnt Food	0	0	0
Bridge Four	02/17/20	Burnt Food	0	0	0
Bridge Five	03/07/20	Burnt Food	0	0	0
Bridge Five	05/18/20	Aerosol	0	0	0
Bridge Five	08/10/20	Burnt food	0	0	0
Bridge Five	09/26/20	Unknown	0	0	0
Bridge Five	11/19/20	Burnt food	0	0	0
Chumley A	09/15/20	Burnt food	0	0	0
Chumley A	09/22/20	Burnt food	0	0	0
Chumley B	02/08/20	Burnt Food	0	0	0
Chumley B	05/07/20	Burnt food	0	0	0
Frost	None	None	0	0	0
Stone	None	None	0	0	0

## Fire Right-To-Know Statistics -2021

LOCATION	Date	Cause	Deaths Resulting	Injuries w/ Medical Treatment	Value of Property Damage
Aiken	07-14-21	Faulty Detector	0	0	0
Aiken	07-14-21	Faulty Detector	0	0	0
Alumni	04-08-21	Faulty Detector	0	0	0
Bridge One	02-04-21	Diffuser	0	0	0
Bridge One	02-18-21	Undetermined	0	0	0
Bridge One	03-17-21	Aerosol	0	0	0
Bridge One	03-28-21	Burnt food	0	0	0
Bridge One	05-14-21	Undetermined	0	0	0
Bridge One	07-12-21	Burnt Food	0	0	0
Bridge One	07-31-21	Faulty Detector	0	0	0
Bridge One	08-11-21	False Alarm/Dust	0	0	0
Bridge One	09-08-21	Diffuser	0	0	0
Bridge Two	04-03-21	Aerosol	0	0	0
Bridge Two	05-02-21	Burnt food	0	0	0
Bridge Three	None	None	0	0	0
Bridge Four	12-05-21	Burnt Food	0	0	0
Bridge Five	05-21-21	Undetermined	0	0	0
Bridge Five	05-23-21	Undetermined	0	0	0
Bridge Five	07-04-21	Burnt food	0	0	0

Fire Right-To-Know Statistics -2021					
LOCATION	Date	Cause	Deaths Resulting	Injuries w/ Medical Treatment	Value of Property Damage
Chumley A	05-01-21	Burnt food	0	0	0
Chumley A	05-03-21	Burnt food	0	0	0
Chumley A	11-05-21	Burnt food	0	0	0
Chumley A	10-12-21	Burnt food	0	0	0
Chumley B	04-03-21	Burnt food	0	0	0
Chumley B	11-30-21	False Alarm/Steam	0	0	0
Davis	08-02-21	Faulty Detector	0	0	0
Davis	09-16-21	False Alarm	0	0	0
Frost	None	None	0	0	0
Gatehouse	12-02-21	Undetermined	0	0	0
Stone	None	None	0	0	0

Fire Right-To-Know Statistics -2022					
LOCATION	Date	Cause	Deaths Resulting	Injuries w/ Medical Treatment	Value of Property Damage
Aiken	06-18-22	Faulty Detector	0	0	0
Alumni	06-07-22	False Alarm	0	0	0
Bridge One	01-25-22	Burned Food	0	0	0
Bridge One	09-17-22	Diffuser	0	0	0
Bridge One	10-04-22	Burned Food	0	0	0
Bridge One	10-04-22	Steam	0	0	0
Bridge One	10-07-22	Burned Food	0	0	0
Bridge Two	01-05-22	Burned Food	0	0	0
Bridge Two	04-03-22	Diffuser	0	0	0
Bridge Two	11-16-22	Burned Food	0	0	0
Bridge Three	04-10-22	Burned Food	0	0	0
Bridge Three	04-15-22	Undetermined	0	0	0
Bridge Three	04-15-22	Burned Food	0	0	0
Bridge Three	04-26-22	Smoking	0	0	0
Bridge Three	05-07-22	Undetermined	0	0	0
Bridge Three	05-24-22	False Alarm	0	0	0
Bridge Three	06-19-22	Burned Food	0	0	0
Bridge Three	10-02-22	Burned Food	0	0	0
Bridge Three	10-06-22	Aerosol	0	0	0
Bridge Three	10-22-22	Burned Food	0	0	0
Bridge Four	None	None	0	0	0
Bridge Five	10-05-22	Burned Food	0	0	0
Bridge Five	10-10-22	Vape Pen	0	0	0
Chumley A	01-04-22	False Alarm	0	0	0
Chumley A	01-04-22	False Alarm	0	0	0
Chumley A	04-01-22	Malfunction	0	0	0
Chumley A	04-12-22	Burned Food	0	0	0
Chumley B	10-21-22	Burned Food	0	0	0
Chumley B	10-23-22	Burned Food	0	0	0
Davis	10-31-22	Steam	0	0	0
Davis	11-16-22	Steam	0	0	0

Fire Right-To-Know Statistics -2022					
LOCATION	Date	Cause	Deaths Resulting	Injuries w/ Medical Treatment	Value of Property Damage
Frost	None	None	0	0	0
Gatehouse	01-25-22	Burned shoelaces	0	0	0
Stone	None	None	0	0	0



## Appendix A: Vermont Definitions of Domestic Violence, Dating Violence, Sexual Assault, Stalking, And Consent With Regard To Sexual Activity.

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### Domestic Violence (Domestic Assault):

Domestic Assault is attempting to cause or willfully or recklessly causes bodily injury to a family or household member or willfully causes a family or household member to fear imminent serious bodily injury.

“Household members” are those persons who, for any period, are living or have lived together, are sharing or have shared occupancy of a dwelling, are engaged in or have engaged in a sexual relationship, or minors or adults who are dating or have dated.

Note: In the residential college setting, “domestic violence” can be defined by college policy to not cover violence between roommates or others in a residence hall. Landmark excludes roommates and dorm/mates from domestic violence definition.

### Dating Violence

Dating Violence: Domestic assault includes attempting to cause or to willfully or recklessly cause bodily injury to a person one is dating or has dated or to willfully cause such person to fear imminent serious bodily injury.

“Dating” is defined as a social relationship of a romantic nature. Factors to consider in determining whether a dating relationship exists or existed, include:

1. the nature of the relationship;
2. the length of time the relationship has existed;
3. the frequency of the interaction between the parties; and
4. the length of time since the relationship ended, if applicable.

### Consent

"Consent" means the affirmative, unambiguous, and voluntary agreement to engage in a sexual act, which can be revoked at any time.

### Sexual Assault

Sexual Assault: Sexual assault is engaging in a sexual act with another person and compelling the other person to participate in a sexual act:

1. without the consent of the other person; or
2. by threatening or coercing the other person; or
3. by placing the other person in fear of imminent bodily injury.

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

A “sexual act” means conduct between persons consisting of contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the vulva, or any intrusion, however slight, by any part of a person’s body or object into the genital or anal opening of another.

## Stalking

Stalking is defined to mean engaging in a course of conduct which consists of following, lying in wait for, or harassing a person, when such conduct:

1. serves no legitimate purpose; and
2. would cause a reasonable person to fear for his or her physical safety or health or would cause a reasonable person to suffer emotional distress.

“Course of conduct” means a pattern of conduct composed of two or more acts over a period of time, however short, evidencing a continuity of purpose.

“Following” means maintaining, over a period of time, visual or physical proximity to another person in such a manner as would cause a reasonable person to have a fear of unlawful sexual conduct, unlawful restraint, bodily injury, or death.

“Lying in wait” means hiding or being concealed to attack or harm another person.

“Harassing” means actions directed at a specific person, or a member of the person’s family, which would cause a reasonable person to fear unlawful sexual conduct, unlawful restraint, bodily injury, or death, including but not limited to verbal threats, written, telephonic, or other electronically communicated threats, vandalism, or physical contact without consent.