

# Rights and Options for Reports of Sexual Misconduct, Dating or Domestic Violence, or Stalking

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This notice of rights and options is being provided to you because Landmark has received a report that you may have experienced sexual misconduct (including sexual assault), dating or domestic violence, or stalking. Landmark wants you to be aware of the following information about reporting, obtaining help, care, resources, accommodations, and support, and about applicable Landmark and law enforcement procedures and options.

## Getting Care and Support

- If you have experienced sexual misconduct or dating or domestic violence, we encourage you to seek immediate medical attention, even if you're not sure if you have any physical injuries. Please see the ***Community Assistance and Resources for Victims of Sexual Misconduct, Domestic Violence, Dating Violence and/or Stalking*** section below for information on medical care options, including examination by a Sexual Assault Nurse Examiner (SANE) if you have been sexually assaulted, or visiting Brattleboro Memorial Hospital for injuries related to other types of violence.
- If the incident occurred within the last 24 hours, if possible, try to preserve any evidence before your medical exam by not washing or changing clothes, brushing teeth or hair, eating, or other actions that might compromise evidence. Even if more time has passed, it may still be possible to collect evidence, and it is certainly possible to be evaluated for other injuries and tested for sexually transmitted infections and/or pregnancy. As detailed below, related electronic (e.g., text messages, photographs) evidence and documents should be preserved as well. Collecting evidence in no way obligates you to file a complaint with the College or make a report to the police that could lead to criminal prosecution, or to seeking a protection order, but preserves this information in the event that you decide to take such actions at a later date.
- Consider talking with a counselor on or off campus. You may not feel ready to talk about what happened, but counselors can provide a confidential and safe space to explore any feelings or challenges that have arisen for you after your experience. Please see the ***Community Assistance and Resources for Victims of Sexual Misconduct, Domestic Violence, Dating Violence and/or Stalking*** section below for a list of resources. These resources can provide information on common reactions to a distressing sexual or other encounter, and a counselor can help you to develop safe ways to handle whatever effects you may be feeling.
- If you're not sure what course of action you would like to take, but would like some confidential support in exploring your options, consider contacting one of the on-campus confidential resources identified in the ***Community Assistance and Resources for Victims of Sexual Misconduct, Domestic Violence, Dating Violence and/or Stalking*** section. There are resources available to all members of the community, including employees upon request, who are seeking advice and assistance regarding sexual harassment and the College's policy and procedures. Any member of the College community who believes that he/she has been sexually harassed or subjected to sexual misconduct, sexual assault, domestic violence, dating violence or stalking may seek the assistance of one of these resources. They are ready to listen and discuss a concern, provide suggestions about possible courses of action, and assist/accompany anyone seeking help with pursuing a complaint. Contacting one or more of these confidential resources initially does not preclude you from choosing to make a formal complaint later to the Vice President for Student Affairs/Title IX Coordinator.

## Filing a Formal Complaint

- We are always deeply concerned when behavior that may constitute sexual misconduct, dating or domestic violence or stalking comes to our attention, and we would very much like to gather more information. We encourage you to file a formal complaint with the College by contacting the Title IX Coordinator (contact information is listed below). Our policies are designed with the needs of students and employees in mind, and we make every effort to conduct investigations with care and sensitivity. If you are considering filing a complaint, but want to learn more about the investigation process before doing so, we encourage you to talk with the Title IX Coordinator. You do not need to share any information about your experience during this conversation, and you are welcome to bring a support person with you if that would be helpful.
- You also have the right to report the incident to the police and/or seek a protective order from a court (or to choose not to do so). Landmark will provide assistance if you decide to pursue either option. You should contact Campus Security or the Title IX Coordinator if you would like to have such assistance, or to talk about your options. Please see below for contact information.
- Retaliation by Landmark against someone because they have reported an incident or participated in an investigation is prohibited under Title IX and the Clery Act, and Landmark's policies strictly prohibit such retaliation by any member of the Landmark community. Landmark will take steps to prevent retaliation and will take strong responsive action if retaliation occurs.

## Additional Accommodations and Resources

Reasonable interim measures, assistance, accommodations and resources are available to you whether or not you decide to file a complaint with the College, make a report to the police, or participate in a Landmark adjudication process. The information below outlines options for individuals who reportedly were or are being subjected to sexual misconduct, dating violence, domestic violence, sexual assault or stalking, and available assistance in, and how to request, changes to academic, living, transportation, and working situations or protective measures. Landmark will make such accommodations or provide such protective measures if the reported victim requests them and if they are reasonably available.

These may include but are not limited to, the following examples:

- **Counseling, on or off campus.** Counseling Services and Health Services offer counseling services to students as well as, upon request, employees. There are also a number of excellent counseling resources off campus; counseling staff can provide you with appropriate referrals. Contact information is also provided below.
- **Academic situation accommodations.** If your experience is compromising your ability to meet your academic obligations, the College can work with you to arrange for appropriate accommodations. These may include, e.g., transfer to another, equally appropriate, class section and extended time for tests and assignments.
- **No Contact Orders.** No Contact Orders are non-disciplinary College measures to ensure that two or more parties or other specified individuals are not permitted to communicate directly or indirectly with each other, or be within, for example, 25 feet of each other, for a period of time. In most cases, No Contact Orders are put in place at the request of one or both parties, but in some circumstances, the College may put in place a No Contact Order to preserve the safety of both parties and other community members.

- **Living situation accommodations and room changes.** It is sometimes possible to relocate students on a temporary or permanent basis when two students' residential proximity feels unsafe or disruptive.
- **Visa and Immigration Assistance:** If you have questions or concerns about your visa and/or immigration status, please contact Michael Luciani, Vice President of Student Affairs & Dean of Campus Life, 802-387-6713, [mluciani@landmark.edu](mailto:mluciani@landmark.edu).
- **Student Financial Aid Assistance:** If you have questions or concerns about student financial aid-related issues, please contact the Financial Aid office at 802-387-6736.
- **Additional measures.** Other arrangements, such as work accommodations or transportation options, can be made on a case-by-case basis to provide students or employees with additional distance from the other party or address their needs related to their experience. We encourage you to share your needs candidly, so we can work with you to address them.
- Requests for accommodations or other assistance should be directed to the Title IX Coordinator, Sexual Respect Coordinator, Campus Security, the Dean of Students or the Director of Student Conduct (see contact information below).

## Additional Information

- If possible, try to preserve all evidence related to an incident or incidents, including any electronic information, text messages, social media posts, e-mails, clothing or other documentation or materials. Even if you're not feeling like you want to pursue a criminal or Landmark proceeding or a protection order at this time, it's a good idea to preserve the evidence in a safe place in case you change your mind at a later date. You may also want to consider writing down all of the details you remember about your experience(s) while they are still as fresh as possible.
- Landmark will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about individuals, and will maintain as confidential any accommodations or protective measures provided to individuals, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.
- In addition to (or instead of) Landmark's processes, individuals who are being or who may have been subjected to sexual misconduct, domestic violence, dating violence, sexual assault or stalking also have the right to pursue orders of protection, restraining orders and/or relief from abuse orders from courts. Landmark will support individuals if they wish to have Landmark's assistance in making contact with law enforcement authorities and other external resources to seek such orders. Landmark will respect and assist in the implementation of protection orders to the extent practicable.

## Explanation of Procedures for Institutional Disciplinary Action

As detailed in the Landmark College [\*\*Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy\*\*](#) ("the Policy"), the language of which controls in specific cases over the language of this summary), Landmark's procedures for cases that fall within the scope of the Policy:

- are prompt, fair and impartial from the initial investigation to the final result
- are conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault and stalking and on how to conduct an

investigation and hearing process that protects the safety of victims and promotes accountability

- provide the complainant and respondent with the same opportunities to have others present during any related meeting, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice
- provide for simultaneous notification, in writing, to both parties of—
  - the result of institutional disciplinary proceedings
  - the institution’s procedures for the complainant and the respondent to appeal the result of institutional disciplinary procedures, if available
  - any change to the result before it becomes final, and
  - when the result becomes final
- are completed within reasonably prompt timeframes designated by the institution’s policy, including a process that allows for the extension of timeframes for good cause with written notice to the complainant and the respondent of the delay and the reason for the delay
- are conducted in a manner that is consistent with the institution’s policies and transparent to the complainant and respondent
- include timely notice of meetings at which the complainant and respondent may be present
- provide timely and equal access to the complainant, the respondent and appropriate officials to any information that may be used during the process, and
- are conducted by officials who do not have a conflict of interest or bias for or against the complainant or the respondent
- In general, Landmark’s process for investigating and adjudicating reports of sexual misconduct (including sexual assault), domestic violence, dating violence and stalking utilizes investigations by trained, experienced investigators and decision making by the College Conduct Board for students and Human Resources for employee respondents. Landmark’s process does not involve in-person hearings at which parties have to testify formally or interact with or be cross-examined by each other. When a report of misconduct covered by the Policy is made to one of the individuals identified in this notice of rights and options, an investigation is commenced, parties and witnesses are interviewed, evidence is collected, parties are provided opportunities to comment upon the evidence gathered, facts found and recommendations made by the investigator, and parties have the opportunity to attend the hearing where the decision will be made as to whether the Policy or other policies implicated by the reported related misconduct were violated. Sanctions are recommended by the College Conduct Board and ultimately decided by the Vice President for Student Affairs. A preponderance of the evidence (that is, “more likely than not”) standard is used to determine whether the Policy was violated. Again, the detailed procedures are outlined further in the Policy itself, a link to which is provided above. Parties are provided with equal appeal rights, to the extent appeal rights are provided.
- Sanctions for employees found to have violated the Policy may include termination of employment, job modification, job reassignment, and educational programming. Non-disciplinary measures (e.g., no contact orders or reassignment of duties or work areas) might also be taken as deemed appropriate under the circumstances. Sanctions for students found to have violated the Policy could include educational requirements, formal disciplinary status, restrictions on on-campus activities, residential restrictions, expulsion from campus housing, or suspension or expulsion from any or all Landmark program(s) in which the student is enrolled or

participating. Non-disciplinary action may also be deemed appropriate under the circumstances (e.g., remedies applied to the respondent to address the needs of the complainant, including but not limited to room changes, class changes, building restrictions, extracurricular activity restrictions, modification of No Contact Orders to favor the complainant and other actions to preserve the rights of the complainant to a safe environment).

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

- \*Counseling Services: 802-387-1636
- \*Health Services: 802-387-6753
- \*Meg Spicer, Counselor & Sexual Respect Coordinator: 802-387-6739
- \*Linda Napier, Director of Health Services: 802-387- 6753
- \*Liz Cooper, Staff Nurse: 802-387-6302
- \*Brattleboro Memorial Hospital Emergency Room: 802-257-8222
- \*Brattleboro Health Center: 802-258-3905
- \*National Sexual Assault Hotline: 800-656-HOPE
- \*Project Against Violent Encounters (PAVE): 802-442-2111
- \*United Counseling Services (UCS): 802-442-5491
- Campus Security: 802-387-6899
- Brattleboro Police Department: 802-257-7946
- Vermont State Police: 802-257-7101
- Windham County Sheriff's Department: 802-365-4951
- Vermont Center for Crime Victim Services: 802-241-1250
- State of Vermont Office of the Attorney General, Statewide Victim Advocates: 802-828-5512
- Vermont Legal Aid (for civil matters): 1-800-889-2047; <http://www.vtlegalaid.org/>
- Legal Services Law Line of Vermont (for criminal matters): 802-863-7153
- For more state and county legal resources, go to: <http://women.vermont.gov/node/625>
- Human Resources: 802-387-6871
- Sean O'Reilly, Director of Student Conduct: 802-387-6374
- Patrick Connelly, Dean of Students: 802-387-7113
- Michael Luciani, Vice President for Student Affairs and Title IX Coordinator: 802-387-6713
- Women's Freedom Center: 802-254-6954
- Windham County Victim Advocate: 802-579-1358
- Resident Deans
- Resident Assistants
- Academic Advisors

\*Denotes a confidential resource.