



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

Updated 8/2023

Landmark College's [Policy and Procedures on Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking](#)¹ (the Policy) contains grievance procedures that provide for the support, investigation, and adjudication of certain Sexual Harassment allegations.

This notification provides a summary of some of your rights and options under the Policy, but it is not exhaustive. It is important that you read the Policy itself to obtain additional information and a better understanding of the College's procedures.

Definitions

- **Complainant** - A complainant is a student or employee of the College who is reported to have experienced conduct that could constitute Prohibited Conduct as defined below
- **Respondent** - A respondent is a student, employee or covered third party who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct as defined in this policy.
- **Prohibited Conduct** – The term used to collectively refer to Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and sex-based Stalking within the scope of Title IX.

Getting Care & Support

If you have experienced sexual misconduct, dating or domestic violence, or stalking, please know that the College and local community have many resources that can offer support, information, and care.

Immediate Safety and Support

- **Go to a safe place:** your room, a friend's room, or a colleague's office, the Residential Staff office in your hall, the Campus Safety Office, or anywhere you'll feel safe.
- **Call someone you trust:** No matter how late it is, you shouldn't be alone. Consider reaching out to a reliable friend, Residential Life or Campus safety staff, or to a confidential resource on campus such as Counseling Services.
- If safety is an immediate concern or you would like to report the incident to the police, call Campus Safety at (802) 387-6899 who can connect you with access to the police or emergency medical services, or contact 911 directly.

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 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.

¹ Available at: <https://www.landmark.edu/student-life/our-community/community-standards>

Community Assistance and Resources

Confidential On-Campus Resources

Meg Spicer, Counselor & Sexual Respect Coordinator	(802) 387-6739
Jeff Huyett, Director of Health Services	(802) 387-6753
Dawn Prouty, 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, Assistant Dean of Campus Life	(802) 387-6411
Craig Marcus, Dean of Students	(802) 387-6362
Michael Luciani, Vice President for Student Affairs	(802) 387-6713

Off-Campus Community Resources

Women's Freedom Center	24-hour Hotline: (802) 254-6954
advocates@womensfreedomcenter.net	Business line: (802)-257-7364
Windham County Victim Advocate	(802) 257-2860
Brattleboro Memorial Hospital ER	(802) 257-8222
Brattleboro Health Center	(802) 258-3905
Windham County Sheriff	(802) 365-4949
Vermont State Police	(802) 722-4600

Preserving Evidence

It is important to preserve all possible evidence even if a reporting person is unsure if they want to file a formal complaint, pursue criminal charges, or seek an order of protection. Preserving any and all evidence may be important in any process that seeks to determine if an offense occurred. This includes:

- Refraining from changing clothes, showering, or otherwise changing a physical state after an incident, until medical personnel have been consulted about how to best preserve evidence.
- Preserve other evidence that may be relevant to a case of Prohibited Conduct, such as, text messages, email messages, instant messages, social networking pages, pictures, electronically stored information, and other communications such as phone logs or other copies of documents that would be useful to investigators, decision-makers and/or law enforcement.

Privacy & Confidentiality

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 the age of 18.

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.

If an individual who makes a report insists that their name or other identifiable information not be revealed and the College is able to respect that request, the College's ability to respond fully to the reported behavior may be limited.

Making a Report

Any student, faculty, or staff member who wishes to report a complaint of or concern about Prohibited Conduct (sexual harassment, sexual assault, domestic violence, dating violence, or stalking) is encouraged to contact the Vice President for Student Affairs (Title IX Coordinator), College Safety officers, the Dean of Students, Dean of Campus Life, Resident Deans, Academic Advisors, Counselors, College Administrators, and/or local law enforcement officials through the means of contact outlined below.

- Michael Luciani, VP for Student Affairs (Title IX Coordinator), mluciani@landmark.edu, (802) 387-6713
- Michael Giannetto, Director of Campus Safety, MichaelGiannetto@landmark.edu, (802) 387-1689
- Scott Ansevin-Allen, Dean of Campus Life, ScottAnsevinAllen@landmark.edu, (802) 387-6411
- Craig Marcus, Dean of Students, CraigMarcus@landmark.edu, (802) 387-6362
- Any Resident Dean, Resident Assistant, Academic Advisor, or Campus Safety Officer
- Windham County Sheriff, (802) 365-4949
- Vermont State Police, (802) 722-4600

Options for Reporting to Law Enforcement

In addition to (or instead of) the College's processes, any student or employee may (but is not required to) file a complaint and 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, Counseling Services, and Health Services 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 at all.

Orders of Protection

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.

Supportive Measures

Supportive measures are available for complainants, respondents, and other necessary parties whether or a complainant decides to file a complaint with the College or make a report to the police.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge and can include actions deemed necessary to protect the well-being of the individuals involved in cases of sexual misconduct, as well as the educational environment of the College community.

These supportive measures may include but are not limited to: counseling, no contact orders, relocating residence hall assignments, restricting access to certain campus buildings, changes to class schedules, assistance with rescheduling an academic assignment (paper, exam, etc.), tutoring support, changes to work schedules/situations, changes to work locations, leaves of absences, visa and immigration assistance, transportation assistance and escorts to and from campus locations, increased security and monitoring of certain areas, and other measures for safety as necessary.

Requests for supportive measures, accommodation, or other assistance should be directed to the Title IX Coordinator, Sexual Respect Coordinator, Campus Security, the Dean of Students, or the Dean of Campus Life (see contact information above).

Explanation of Procedures for Institutional Disciplinary Action

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 as allowed by College policy), and must request that the College investigate reported Prohibited Conduct.

Landmark College's process for addressing complaints of Prohibited Conduct and related retaliation is summarized below. In the event of any differences between this summary and the more detailed terms in the Landmark College Student Handbook, the language in the Landmark Handbook prevails over the language of this summary.

Landmark's procedures:

- are prompt, fair, and impartial from the initial investigation to the final result;
- are completed within reasonably prompt time frames as designated in the College's policies. 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.

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 proven, constitute Title IX Sexual Harassment 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 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 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.

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

Notice in Title IX Sexual Harassment Cases

When the College initiates an investigation of reported Title IX Sexual Harassment, it will provide to the parties a written notice that includes:

1. Information about the College's formal and informal resolution processes;
2. a statement of the allegations of behavior;
3. 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;
4. Information regarding the College's presumption of good faith reporting and a summary of the College's false information policy
5. Notification that parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
6. Notification of existing counseling, health and mental health services available on campus and/or in the community;
7. Notification that the parties may inspect and review evidence during the investigation and resolution process, as provided below; and
8. 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.

Investigations in Title IX Sexual Harassment Cases

1. The Title IX Coordinator will appoint an investigator and will provide notice to the parties of the identities of the investigators. Complainants or respondents may object to an assigned investigator if they believe the investigator has a bias for or against complainants or respondents or has a conflict of interest. Please see the College's full policy for more information on how an objection may be submitted).

2. All participants in the investigation are expected to cooperate fully by providing complete, accurate, and truthful information. Investigations and subsequent disciplinary processes may proceed without the cooperation of the respondent based on the information available.
3. 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.
4. 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.
5. The investigator will conduct an appropriate investigation which may include interviews with the complainant, the respondent, and other persons with information.
6. 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.
7. 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.

Preliminary Investigative Report

The investigator will prepare a preliminary investigative report that will summarize relevant evidence but will not contain any recommendations regarding whether the respondent violated this policy or any other College policy at issue. When this report is submitted:

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

Review and Response to Preliminary Investigative Report

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 will have 10 calendar days to 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.

Final Investigative Report

After considering any written response submitted by either party (as considered appropriate by the investigator), or after the 10 calendar day comment period has lapsed without receiving a written response or responses, the investigator will submit a final investigative report, which will include the investigator's non-binding recommendation as to whether the respondent should be found responsible for violating the policy provisions at issue.

Hearings in Title IX Sexual Harassment Cases

- At least 10 calendar days prior to a hearing, 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.
- **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.
- **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. 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.
- **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 at least 10 calendar days before the date of the hearing.
- **Conduct of Hearings and Relevance** - 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.
- **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.
- **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.
- **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.

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 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.