



Student Handbook

2023-2024



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Mission Statement

Our Mission

Landmark College's mission is to transform the way students learn, educators teach and the public thinks about education. We provide highly accessible approaches to learning that empower individuals who learn differently to exceed their aspirations and to achieve their greatest potential. Through the Landmark College Institute for Research and Training, the College aims to extend its mission across the nation and throughout the world.

Our Impact

Landmark College is a comprehensive liberal arts institution of higher education that offers associate and bachelor's degrees and serves students with attention deficit disorders, autism spectrum disorder (ASD), and/or language-based learning disabilities (including dyslexia). Landmark's faculty and staff bring significant experience and expertise to their work with students. Through their efforts, the College fosters the capacity for independent creative thought and engaged and responsible world citizenship by integrating principles of universal design and strategic learning within a technology-rich, student-centered environment. In the classrooms and residence halls, through the integrated advising model and through an extensive network of support systems, students receive a high degree of individual attention as they develop self-understanding, self-advocacy, and lifelong learning skills, and learn to function autonomously in mainstream settings.

Through programs for high school and visiting college students on its Vermont campus and in other settings, Landmark seeks to reach a broader population of students than it can serve in its academic-year degree programs alone. These short term courses of study are focused on self-understanding and strategy development with the goal of preparing students to better succeed in their own academic settings.

In recognition of the great societal need for effective educational programs and practices, the Landmark College Institute for Research and Training (LCIRT) engages in and supports research relevant to the field, and provides consultancy and professional development opportunities to educators and educational systems, both nationally and internationally.

Our Values

Landmark College acknowledges, but does not accept, the societal practice of labeling and stigmatizing students who learn differently. Every aspect of the campus environment is designed to promote individual development and peer interactions that challenge the fundamental assumptions inherent in these labels, and that build on the strengths and talents that accompany different ways of learning. The College provides a collaborative teaching and learning environment that supports students in finding their own educational individuality, and in confidently engaging with and contributing to society and the world. Simply put, we approach every student as a distinctive and unique learner with enormous potential and promise.

We create and foster a collaborative academic community in which mission, experience, research, reflection and dissemination in the processes of teaching, learning, and support for students are core values of the work of faculty and staff. In this environment, we consider students our partners in learning; we embrace the strengths and challenges they bring to their learning and our teaching; and we care about them as individuals, working together with them so that each student can reach his or her greatest academic potential.

Purpose of this Handbook

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

Addendums and Changes Between Publications

The student handbook is published by Landmark College at the beginning of each academic year. The College reserves the right to add, modify or amend any part of this handbook between publication dates. The College will inform students, faculty and staff through various means when any changes to this handbook are made. These changes will supersede any previously published policies on the same topic.

Notice of Non-Discrimination

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

- **For Students:** Vice President for Student Affairs, Office of Student Affairs, Strauch Family Student Center, Landmark College, 19 River Rd South, Putney, Vermont, 05346, (802) 387-6713
- **For Faculty & Staff:** Director of Human Resources, Administration Building, Landmark College, 19 River Rd South, Putney, Vermont, 05346, (802) 387-6814.

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

Student Code of Conduct

Standards of Conduct

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

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

Student Rights and Responsibilities

1. Rules, regulations, student rights and responsibilities apply to all students.

2. Students at Landmark have the right to protection against discrimination.
3. Landmark College follows all the applicable laws which may prohibit discrimination on the basis of sex, age, religion, handicap, ancestry, place of birth, race, color, sexual orientation, or national or ethnic origin in the administration of its educational, admissions, financial aid, and employment policies and programs. Students, in turn, are expected to uphold Landmark's nondiscriminatory policies.
4. Students at Landmark have the right to reside in an environment conducive to learning, where reasonable living accommodations and services are provided and issues of health, safety, and civility are addressed. At the same time, they share responsibility for creating and maintaining such an environment.
5. Students at Landmark have the right to take reasoned exception to the materials or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for fulfilling the obligations of any course in which they are enrolled.
6. Students at Landmark have the right to protection against prejudice or capricious academic evaluation. At the same time, they are responsible for maintaining standards of academic performance established for each course in which they are enrolled.
7. Students at Landmark have the right to express their views, individually and collectively, on issues of institutional policy and on matters of general interest to the student body.
8. Students at Landmark have the right to know the standards of conduct expected of them. In addition to the standards that common sense requires of all adults, the standards of behavior which Landmark considers essential to its educational mission and residential life are discussed in this Handbook.

Formal Disciplinary Procedures

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.

General Campus Policies

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

The following is provided to satisfy the notice requirements of the Family Educational Rights and Privacy Act of 1974 ("FERPA"), and is not intended to create contractual or other rights or remedies beyond any created by FERPA itself.

FERPA affords students certain rights with respect to their education records. These rights include:

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

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

- a. Disclosure to school officials with legitimate educational interests. A school official is a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including security personnel and health staff); a person or company with whom the College has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
- b. Disclosure to parents of dependent students. If a student is claimed as a dependent by either parent for tax purposes, then education records and information there from may be disclosed to either parent (whether custodial or not).
- c. Disclosure to parents regarding the student's violation of any law or College policy governing the use or possession of alcohol or a controlled substance, if the College determines that the student has committed a disciplinary violation with respect to such use or possession.
- d. Disclosure to officials of another school in which a student seeks or intends to enroll, upon request of the officials of the other school.

- e. Disclosure of “directory information,” unless the student objects to disclosure as provided below. “Directory information” is information included in a student’s educational records, the disclosure of which would not generally be considered harmful or an invasion of privacy. “Directory information” for purposes of this policy includes but is not limited to the following: a student’s name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees, honors and awards received, e-mail addresses, electronic or photographic images of a student, and the most recent previous educational agency or institution attended. **If a student does not wish to have directory information disclosed without consent, s/he must so inform the Registrar in writing within 10 days of the start of any semester.**
- 4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the College to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605

Accommodations Policy and Procedures

Accommodations Policy Statement

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

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

The College is committed to making the campus and its facilities accessible as required by applicable law. The College cannot make accommodations that are unduly burdensome or that fundamentally alter the nature of the College’s programs.

Section 504 & ADA Coordinator

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

The Vice President for Student Affairs also serves as the primary 504/ADA Coordinator for students. The Dean for the School of Education serves as the designated ADA coordinator for students regarding academic and academic support accommodations. Other individuals may be designated by the 504/ADA Coordinator, and references throughout this policy to the 504/ADA Coordinator should be read as also including designees of the 504/ADA Coordinator.

Landmark College has established a process to facilitate the reasonable accommodation of students with disabilities. Landmark’s 504/ADA Coordinator certifies eligibility for accommodation under the ADA for students presenting documented evidence of qualifying disabilities (including qualifying physical disabilities, learning disabilities, attention deficit disorders, psychological disabilities,

medical disabilities, and covered students in drug or alcohol recovery)), and, using an interactive process that includes other appropriate members of the Landmark College administration to serve as an accommodations team, reviews and acts upon all student requests for reasonable accommodations based on an individualized assessment of each request.

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

The 504/ADA Coordinator, in coordination with appropriate campus personnel, coordinates and facilitates the implementation of accommodations that have been deemed reasonable and appropriate in light of the nature of a student's disability and in consideration of the individual's academic requirements.

Certification and Accommodation Procedures

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

Certification

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

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

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

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

The 504/ADA Coordinator reviews the [Accommodation Request Form](#) and the accompanying documentation, and pursues one of the following courses of action:

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

Accommodation Dialogue

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

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

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

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

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

Role of the Student

Landmark College neither imposes accommodations on its students nor pre-empts their responsibilities, as legal and social adults, to identify their accommodation within the scope of this policy and to ensure that these needs are being met.

It is the student's responsibility to initiate the certification process described above by:

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

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

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

1. Communicating with designated administrators, faculty & staff;
2. Keeping appointments with designated administrators, faculty & staff to avoid delays in implementation; and

3. Conferring with designated administrators, staff, and the 504/ADA Coordinator as necessary regarding the effectiveness of accommodations.

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

Documentation

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

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

Generally, documentation must:

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

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

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

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

Appeal Procedures

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

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

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

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

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

Complaints Regarding Disability-related Harassment and Discrimination

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

Assistance for Students with Temporary Impairments

While not required by applicable law or this policy, the 504/ADA Coordinator may be able to arrange limited assistance for temporarily impaired students at the discretion of the 504/ADA Coordinator and other College offices or programs. It must be understood that the 504/ADA Coordinators' voluntarily providing or arranging such help does not mean the temporarily injured or impaired student qualifies or is certified as an individual with a disability under applicable law or within the

scope of this policy. If you have questions about what assistance the College may be able to provide in the event of a temporary impairment, you should contact the 504/ADA Coordinator.

Service & Assistance Animals

Service Animals

A Service Animal is defined as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Under specific circumstances, the College may allow the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.

The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA or this policy.

Individuals with disabilities will be permitted to be accompanied by their service animals in all areas of College facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

Service animals need not have special certification or identification in order to qualify as such. They need only be required because of a disability and to be trained to work or perform a task. If it is not readily apparent what work an animal performs, Landmark personnel will limit inquiries to only two questions, which are:

1. Is this animal a service animal required because of a disability?
2. What task or work has this animal been trained to perform?

Students who plan to bring a service animal to campus are encouraged to provide the College with enough advanced notice as possible to allow for appropriate and compatible housing assignments.

Assistance Animals

According to current regulations as interpreted by the federal United States Department of Housing and Urban Development, Landmark College residence halls fall under the Fair Housing Act (FHA). Under the FHA, the College is required to provide reasonable accommodations for people with disabilities living in residence halls. Assistance animals are considered a reasonable accommodation under the FHA.

Assistance Animals are defined as an animal (not limited to dogs) that is necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling and provides identifiable

support or assistance that alleviates one or more identified symptoms or effects of a person's disability.

Because assistance animals that do not qualify as service animals are covered only by the FHA, they are allowed only in residence halls on campus and only in the room of the student who has been approved for this accommodation. They will be allowed in outdoor spaces only under proper handling when appropriate, but they are not allowed in other buildings on campus or in residence hall common spaces.

Requesting Permission to Use Assistance Animals

Because housing assignments with assistance animals requires extra care and planning when determining appropriate placement and roommate matches, the College requires as much advance notice as possible to allow for this accommodation. The College will attempt to honor all appropriately-supported requests, but may not be able to do so if allowing the accommodation would cause an unreasonable hardship, threat, or impact on other students or any program.

In order to request permission to use an assistance animal, a student must initiate the accommodation process through the 504/ADA Coordinator by:

1. Completing a [Accommodation Request Form](#) and
2. Providing supporting documentation of their disability and of their need for an assistance animal. Generally, such documentation must:
 - a. be prepared by an objective professional qualified in the diagnosis of such conditions;
 - b. include information regarding the testing procedures followed, the instruments used to assess the disability, the test results, and a written interpretation of these results as they pertain to the need for an assistance animal
 - c. reflect the student's present level of functioning in the area related to the request for an assistance animal
 - d. be appropriately recent, e.g., prepared within the last several years before the first request for accommodation.

As noted above, documentation should be submitted to the 504/ADA Coordinator as far in advance of the period for which the accommodations are requested as possible. The College may not be able to arrange for accommodations that are not requested in a timely manner.

A full description of documentation requirements may be found in the College's general Accommodations Policy found in the Student Handbook.

Appeals Process

Any person dissatisfied by a decision concerning a service animal or an assistance animal may appeal the decision of the 504/ADA Coordinator by submitting a letter of appeal to the Office of the President of the College within 10 calendar days of the written (or e-mail) decision appealed.

A full description of the appeals process may be found in the College's general Accommodations Policy found in the Student Handbook.

Service & Assistance Animal Care, Supervision & Control

- Unless they are in a Residence Hall room, animals must be accompanied by their owners/handlers and under their control at all times. Owners/handlers are responsible for

their animal's behavior in both public and private areas, and they must ensure their animals are harnessed or on a leash at all times.

- Owners/handlers are responsible for cleaning and grooming related to their animal including bathing and grooming, pest control, and sanitary disposal of animal waste in designated area dumpsters.
- The owner/handler is responsible for any property damage caused by their animal.
- To the extent possible, the animal should be unobtrusive to other individuals and the learning, living, and working environment.

Licensing

The animal must be licensed and vaccinated in accordance with Vermont state, county, and/or municipal laws. The vaccination tag and license must be worn by the animal at all times. When wearing such an item is not practical, then the information must be made readily available upon request.

Exclusion of Service or Assistance Animals

Landmark College reserves the right to exclude a Service or Assistance animal under certain circumstances, including, but not limited to the following:

1. The animal is out of control and the animal's handler does not take effective action to control it.
2. The animal is not housebroken.
3. When the animal poses a substantial and direct threat to health or safety (examples include a very ill animal, a substantial lack of cleanliness of the animal, aggressive behavior of the animal, or the presence of an animal in a sensitive area like a medical facility, laboratories, or mechanical or industrial areas).
4. When the presence of the animal constitutes a fundamental alteration to the nature of the program or service.
5. If the College determines that the animal is being subjected to neglect or mistreatment.

Landmark College will make those determinations on a case-by-case basis.

Alcohol and Other Drugs

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 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. 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 parental 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 their 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 is prohibited. For students who consume alcohol, it is imperative that they 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 psycho-active 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 own 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 be in possession of 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 psycho-active properties and prescription medication is not limited to a 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, is in violation of 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:

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

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

- Deferred Suspension to Suspension
- Participation in an Alcohol Use Screening/Assessment
- \$250.00 fine
- 20 hours of community service
- Reflection Paper/Community Apology
- Residential Relocation

Third Violation:

- Suspension from the College

Minimum Sanctions for drug policy violations; sharing or distributing any illicit substance or prescription medication.

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

Anti-Hazing Policy

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

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

Anti-Harassment Policy

Landmark College is committed to maintaining a campus environment where students are not subjected to bigotry and discrimination based on protected personal characteristics.

The following conduct is prohibited, either by law or this policy, on campus and within the College's programs:

1. **Discriminatory Harassment:** Harassment based on an individual's actual or perceived sex, sexual orientation, gender identity or expression, race, creed, color, ethnicity, national origin, religion, disability, marital status, age, pregnancy, or other characteristics as protected by applicable law.
2. **Sexual Harassment:** As defined by Title IX, including but not limited to sexual assault, domestic and dating violence and misconduct, sex-based stalking, and quid pro quo sexual harassment.

Landmark College defines harassment as verbal or physical conduct based on:

1. A student's protected personal characteristics outlined under discriminatory and sexual harassment definitions outlined above, and;
2. Where the conduct has the purpose or effect of creating an intimidating, hostile or offensive educational or living environment for a reasonable person under the circumstances.

Such harassment may include, for example, repeated slurs, taunts in the guise of a joke, disparaging remarks, or physically threatening or inappropriate conduct, when such is directed at a person or group of persons because of their protected personal characteristics.

Landmark College recognizes that the protection of open expression and the open exchange of ideas are important to any academic community. This recognition is therefore an important element in the "reasonable person" standard used in judging whether harassment has occurred. This policy is meant neither to proscribe nor to inhibit discussion, in or out of the classroom, of complex, controversial or sensitive matters, when in the judgment of a reasonable person they arise appropriately and with respect for the dignity of others. Landmark College also recognizes, however, that verbal conduct can be used specifically to intimidate or coerce and to inhibit genuine discourse, free inquiry, and learning. Such abuses are unacceptable.

If someone believes that another's speech or writing is offensive, wrong or hurtful, they are encouraged to express that judgment in the exercise of their own open expression or to seek redress under the noted procedure(s) when appropriate.

Retaliation against a student for filing a complaint in good faith under this policy is strictly prohibited, and, if proven, would be considered a violation of this policy.

This policy is intended to protect all Landmark College students and applies to the conduct of Landmark College students, faculty, administrators, and staff. Any person who feels that they have been harassed or retaliated against as defined in this policy may file a formal grievance with the Vice President for Student Affairs, in accordance with the procedures outlined in the [Grievance Policies and Procedures](#) found within the Student Handbook.

Students should note that sexual harassment is also separately addressed in the College's [Sexual Harassment Policy and Sexual Assault and Sexual Harassment Procedure](#).

Artificial Intelligence (AI) Driven Technologies (Position Statement)

Landmark College embraces meaningful and appropriate uses of technology, especially given the potential for better accessibility to curriculum and learning. AI-driven tools such as ChatGPT and DALL-E 2 present powerful opportunities for idea generation and digital literacy.

However, these tools should always be used in ways that uphold academic integrity, honesty, originality, and intellectual rigor. Individual faculty, staff, or departments may provide specific guidelines and expectations for the appropriate use of AI technology.

We anticipate guidelines and expectations will evolve as AI becomes increasingly incorporated into common use. Collectively, we endeavor to harness the potential and evolving use of technology while upholding the mission and core values of Landmark College.

Compliance with College Officials

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

Computer & Network Use Policy

Introduction

This acceptable use policy governs the use of computers and the network at Landmark College. As a user of these resources, you are responsible for reading and understanding this document. It is the policy of Landmark College that all members of its community act in accordance with these responsibilities and rules of conduct in the context of all existing laws (federal and state) and College regulations.

Rights and Responsibilities

Computing and networking resources at Landmark College are provided for academic and administrative purposes in support of the College mission. The College network and the Internet can provide access to resources on and off campus and the ability to communicate with other users worldwide. Such open access is a privilege and requires that individual users act responsibly. Users must respect the rights of other users, respect the integrity of the systems and related physical resources, and observe all relevant laws, regulations, and contractual obligations. Since electronic information is easily copied and reproduced, users must exercise care in acknowledging and

respecting the work of others through strict adherence to software licensing agreements and copyright laws.

Existing Legal Context

All existing laws (federal and state) and College regulations and policies apply, including not only those laws and regulations that are specific to computers and networks, but also those that may apply generally to personal conduct.

Users do not own the computer accounts provided to them by the College but are granted the privilege of exclusive use. The College does not intend to act as a censor of information but reserves the right to inspect files or e-mail and take appropriate action without notification if there is reasonable belief that there has been intentional or inadvertent disruption to the College's network or other shared resources or if there is suspected violation of College policies or applicable laws.

For example, system administrators may examine or make copies of files that are suspected of misuse or violation of these policies or that have been corrupted or damaged. User files may be subject to search by law enforcement agencies under proper procedures or when properly requested, subpoenaed or ordered by a court. In addition, all messages created, sent, or retrieved over the Internet or the College's systems, including its mail system, GroupWise, are the property of the College.

Any computer, networking device, telephone, copier, printer, fax machine, or other technology which is owned, licensed or leased by the College is subject to College policies. In addition, any technology which connects directly to College data or telephone networks, connects directly to a computer or other device owned or operated by the College and/or otherwise uses or affects College information technology facilities is subject to this computer and network policy.

Misuse of computing, networking or information resources may result in the loss of computing and/or network access. Additionally, misuse can be prosecuted under applicable statutes. Users may be held accountable for their conduct under any applicable College policies and procedures. Illegal production of software and other intellectual property protected by U.S. copyright law is subject to civil damages and criminal punishment including fines and imprisonment.

Other organizations operating computing and network facilities that are reachable via the Landmark network or intranet may have their own policies governing the use of those resources. When accessing remote resources from Landmark facilities, users are responsible for obeying both the policies set forth in this document and the policies of the other organizations.

Enforcement

Repeated minor infractions or misconduct may result in the temporary or permanent loss of computer access privileges or the modification of those privileges. In addition, offenders may be referred to the appropriate College office for further action.

Any offense which violates local, state, or federal laws may result in the immediate loss of all College computing and network privileges and will be referred to appropriate College offices and/or law enforcement authorities.

The College reserves the right to limit or restrict access to the Internet or to its network-based information technology resources on the basis of institutional priorities, bandwidth constraints, or College policies. The College also reserves the right to examine material stored on or transmitted through its facilities if there is cause to believe that the standards for acceptable and ethical use are being violated by a member of the College community.

Faculty, staff, and students should be aware that even when a message is erased or a visit to a Web site is closed, it is still possible to recreate the message or locate the Web site. Accordingly, all

communications, including text and images, may be disclosed to College administrators or law enforcement officers without prior consent of the sender or the receiver.

Conduct Which Violates this Policy

It is not acceptable for faculty, staff, and students . . .

- To use a login name and password assigned to someone else.
- To use excessive network bandwidth. Bandwidth use is considered excessive when it significantly affects the speed of the network for other users or is well above average usage for extended periods of time.
- To violate copyright laws and their fair use provisions through inappropriate reproduction and/or distribution of copyrighted music, especially MP3 files, movies, computer software, images, etc.
- To use applications that hinder or interfere with the use of the network by others. For example, excessive use of applications that use an unusually large portion of bandwidth for extended periods of time (e.g., peer-to-peer network file sharing applications such as Napster, Gnutella, iMesh, Scour, etc. and network game servers such as Quake, Unreal Tournament, etc.).
- To use the campus network to gain unauthorized access to any computer systems.
- To connect unauthorized equipment to the campus network, this includes web or other servers, hubs, switches and wireless access points.
- To attempt to circumvent data protection schemes or uncover security loopholes. This includes creating and/or running programs that are designed to identify security loopholes and/or decrypt intentionally secure data.
- To associate an unapproved domain name with a Landmark owned IP address.
- To knowingly or carelessly perform an act that will interfere with the normal operation of computers, terminals, peripherals, or networks.
- To knowingly or carelessly run or install on any computer system or network, or give to another user, a program intended to damage or to place excessive load on a computer system or network. This includes, but is not limited to, programs known as computer viruses, Trojan Horses, and worms.
- To install personal software on a college-owned computer including applications, screen savers, and other utilities not sanctioned by the College
- To deliberately waste or overload computing resources, such as printing too many copies of a document on College owned printers.
- To violate terms of applicable software licensing agreements or copyright laws.
- To use College resources for commercial activity, such as creating products or services for sale or hosting commercial web sites.
- To use electronic mail to harass or threaten others. This includes sending repeated, unwanted email to another user.
- To run, play, or download games on a public computer.
- To send unauthorized broadcast messages to all or part of the Landmark community. Example: Sending a mass message to all faculty, staff, or students that bypasses the compiled Faculty, Staff, and Students Messages that are sent in digest form.
- To forge the identity of a user or machine in an electronic communication.

- To transmit or reproduce materials that are slanderous or defamatory in nature, or that otherwise violate existing laws or College regulations.
- To display sexually explicit or sexually harassing images or text in a public computer facility or location that can be in view of others.
- To attempt to monitor or tamper with another user's electronic communications, or read, copy, change, or delete another user's files or software without the explicit agreement of the owner.
- To use the system after employment has ended, student status has been terminated or system privileges have been suspended, curtailed or terminated, unless specifically authorized in writing.
- To damage, deface, alter, or remove any College computing equipment from campus without authorization.
- To leave a public lab or Library computer without logging out.

E-mail

Provisions of Service

- All faculty, staff, students, alumni, and affiliated persons qualify to receive an e-mail account.
- E-mail accounts are extended for the sole use of faculty, staff, students, alumni, and other appropriately authorized users to foster communications consistent with College affairs.
- E-mails accounts will be disabled for an employee at his or her termination date and for students upon withdrawal or expulsion from the College
- College e-mail accounts and services are College facilities, property, and resources as those terms are used in College policies and applicable law.
- Access to College e-mail services is a privilege that may be wholly or partially restricted by the College without prior notice and without the consent of the e-mail user: (a) when required by and consistent with applicable law or policy; (b) when there is a reasonable suspicion that violations of policy or law have occurred or may occur.
- In a case where unacceptable use severely impacts performance or security, in order to sustain reasonable performance and secure services for the rest of the community, the College may immediately suspend an individual's access privileges.
- E-mail users are required to comply with state and federal law, College policies, and normal standards of professional and personal courtesy and conduct.
- Users agree by virtue of access to the College's computing and e-mail systems, to indemnify, defend, and hold harmless the College for any suits, claims, losses, expenses or damages, including but not limited to litigation costs and attorney's fees, arising from or related to the user's access to or use of College e-mail and network systems, services, and facilities.

Unacceptable Use

Unauthorized Access

The following constitute unauthorized forms of access:

- Permitting anyone to send e-mail using an account owned by someone else
- Sending e-mail using another user's account

- Attempting to disguise the e-mail address from which an e-mail account holder's message is sent or the identity of the sender

Inappropriate Content

Acceptable use of e-mail is based on common sense, respect for others, and civility applied to the electronic communications environment. The e-mail system may not be used to transmit sexually explicit images or messages that may be reasonably construed as harassment nor may it be used for any communications that contain ethnic slurs, racial epithets, or anything that may be reasonably construed as disparagement of others based on race, national origin, sex, sexual orientation, age, disability, or religious or political beliefs. Moreover, it is important to note that the perception or reaction of the recipient is a major factor in determining if a specific communication is harassing, offensive, defamatory, or abusive. Various federal and state laws and College policies apply to this requirement.

Additionally, an e-mail message is, for legal purposes, treated as a written record, and is therefore subject to all the normal legal restrictions on such records, including copyright and intellectual property laws. Any e-mail message which exposes the sender and/or the College to legal action may also result in corrective action by the College.

If an e-mail account holder receives an e-mail message that he or she considers offensive, he or she may direct his or her concerns to the supervisor for the operational unit in which the suspected violation occurs or to Director of Human Resources. Students may direct concerns to their Residential Dean. The appropriate College authorities and/or law enforcement agencies will investigate violations.

If an e-mail account holder has been requested by another account holder (via e-mail or in writing) to refrain from sending e-mail messages to him or her and the request is reported to the appropriate authority or to techsupport, the recipient of this request is prohibited from sending any further messages to the requester until such time as he or she has been notified by the appropriate authority that such correspondence is permissible. Failure to honor such a request shall be deemed a violation of this policy.

Although the College does not monitor or read e-mail of users as a matter of course, if possible misuse is reported or if there is reason to suspect any use of e-mail which violates this Policy or any other College Regulation or which seems to represent a threat to the security or performance of the system or the network, the appropriate College authority reserves the right to examine mail messages without authorization from sender or recipient.

If an e-mail account holder receives an e-mail from outside the College that he or she regards as offensive or potentially illegal, he or she should report the matter to helpme@landmark.edu. The Help Center will refer the matter to appropriate authorities.

E-Mail Privacy and Confidentiality

College policy and secure passwords provide good but not complete assurance of the privacy of users e-mail messages. Since the confidentiality of e-mail cannot be assured, and such confidentiality may be compromised by unintended redistribution or forwarding, users should exercise extreme caution in using e-mail to communicate confidential or sensitive matters, and should not assume that their e-mail is private or confidential.

The College does not monitor or read e-mail of users as a matter of course. However, the College reserves the right to examine mail messages without authorization from sender or recipient where there is reason to suspect a breach of this Policy. In compliance with state and federal law and College policies, the College may permit the inspection, monitoring, or disclosure of e-mail in situations when there are reasonable expectations that violation of policy or law have occurred.

Culpability

As it is often difficult to accurately determine degrees of culpability, all residents of the room where a violation is found may be held responsible to some level for that violation. Additionally, students who remain at an event or in a situation when they know a violation is occurring may also be held responsible. Students are advised, therefore, to avoid such situations that may put them at risk of unwanted interventions.

False Reporting and Misrepresentation

Members of the College community are expected to provide truthful information in any report, meeting, or proceeding. Providing or assisting to provide false or misleading information in bad faith, with a motive to obtain personal advantage, to cause intentional harm to another person or the College, or to otherwise act with general recklessness, is prohibited.

Members of the College community will not be deemed to have provided false or misleading information under this policy if their factual allegations are intended to be truthful and are made in good faith, regardless of whether the conduct complained of is ultimately found to constitute a policy violation.

False reporting is a serious offense and violations of this policy may be met with disciplinary action up to and including suspension from the College.

Fireworks

Fireworks are a fire hazard and their use may result in personal injury. Therefore, fireworks of any type (including firecrackers and sparklers) are not permitted in the State of Vermont or on the Landmark campus. Those found in possession of or using fireworks will be subject to disciplinary action and may be subject to criminal charges.

Gambling

In accordance with Vermont State law, gambling is not allowed on campus. A permit may be obtained, via the Office of Student Life and the State of Vermont authorities, to facilitate gambling at on-campus charity events. Students violating this policy will be subject to disciplinary action.

Open Expression

Landmark College is committed to the pursuit of knowledge and understanding through inquiry, discourse, discussion, deliberation, and debate. Fostering the ability of members of the College community to engage with each other effectively and responsibly is an essential part of the College's educational mission.

Landmark's commitment to open expression applies to all forms of speech (expression that is spoken or written, symbolic speech, or expressive conduct). In general, the College will not restrict ideas that are unpopular, controversial, or perceived as offensive unless they also fall into a category of speech or actions that the College may prohibit as defined elsewhere in this policy.

The College may place reasonable limitations on the time, place, and manner of open expression on College property and within its programs to ensure that expression does not disrupt the ordinary functions and activities of the College.

Those who engage in open expression are expected to do so in a way that adheres to the College's core values of Respect, Understanding, Safety and Honesty.

Furthermore, the College may prohibit speech or actions that:

- are defamatory, invade a protected right to privacy or confidentiality, incite or threaten imminent physical violence, violate the College's Anti-Harassment or Non-Discrimination policies, or violate the law.
- prevent the speech of others, block the passage of persons or vehicles, cause property damage, threaten campus or personal safety, or result in physical harm to individuals.
- are considered a substantial disruption to campus events, activities, and operations.

Instances of prohibited speech and actions, or the failure or refusal to comply with a College official enforcing this policy, may be subject to discipline and sanctions from a verbal warning to suspension or expulsion from the College in accordance with the appropriate Landmark College disciplinary procedures.

Protecting open expression does not mean that Landmark approves of or endorses any views expressed, especially where the expression conflicts with the College's commitment to diversity and inclusion. The College recognizes that open expression can result in offense to members of our community and will continue to dedicate itself to supporting and making Landmark an inclusive community.

Members of the Landmark College community can engage in open expression to convey their own ideas but may not claim or appear to represent the views of the College unless authorized to do so. In matters concerning academic discourse and research pursuits, the Academic Freedom Policy shall take precedence over the policy on Open Expression as it pertains specifically to the scholarly exploration and exchange of ideas within the curriculum.

Student Safety or Threat of Harm to Others

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

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

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

While preliminary decisions may have to be made quickly and without discussion with the student in certain circumstances, student(s) will be given notice and an opportunity to speak with the Vice President for Student Affairs or their designee prior to any final decision being made by the College. The Vice President may also consult with others as appropriate (e.g., medical professionals,

members of the College's Students of Concern Team, other College officials, law enforcement, and/or the student's family members).

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

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

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

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

Identification cards

All students will be issued a Landmark College identification card during the registration process and are required to carry a valid I.D. card with them at all times.

A valid Landmark College I.D. card is required for entry to the Residence Halls and Dining Hall. In addition, this card is also used to access College bookstore and Strauch Family Student Center café debit accounts. The College may require students to produce their ID card for other events on campus to confirm attendance or to establish student-status.

In an effort to maintain safety and security of students on campus, students must present this card when requested by any College official, including Campus Security, Residential Life staff, dining hall staff and building managers.

Lost cards should be reported to the Office of Student Life. During hours when the office is closed, temporary replacement cards may be obtained from Campus Security. There is a \$15 fee for replacement cards.

Students found tampering with or altering identification cards or otherwise providing false identification will be subject to disciplinary action.

In some instances, the use of a Student ID card creates an electronic record of a transaction (use of services, residence hall entry, etc). The College reserves the right to access these transactional records and disclose them to College officials and law enforcement officials (as permitted by appropriate student-records laws).

Knives and Weapons

Only non-automatic pocketknives with blades less than three inches and common kitchen knives (in kitchen areas) will be permitted on campus. All knives not fitting these requirements will be confiscated.

Knives and weapons of any sort may not be brought into classrooms or spaces used for teaching and community assembly.

Firearms and ammunition of any kind, including BB guns, pellet guns, paintball guns, or any instruments that discharge projectiles such as bows and slingshots, and any other weapons are prohibited from campus. Students possessing such weapons will be subject to immediate disciplinary action up to and including suspension or expulsion.

Any knife or weapon (regardless of size) that is used in a violent or threatening manner will be considered a violation of this policy and the College's policy on Violence.

Off-Campus Conduct

The College reserves the right to take appropriate disciplinary action against Landmark College students who are involved in any off-campus incidents of criminal activity or otherwise inappropriate non-criminal behavior, particularly when such incidents have implications for the safety of members of the campus or local community or are detrimental to the welfare of the College. Examples of these behaviors include but are not limited to driving under the influence of alcohol, underage possession or use of alcohol or other drugs, fighting or other violent episodes.

Off-Leash Area (Dog Run)

The College has designated a fenced off-leash area for use by dogs and their owners/handlers. This area will be clearly marked by the College as the designated off-leash area. On all other areas of campus, dogs must remain on-leash and in control of their owner/handler.

- The off-leash area is for dogs only. No other animals may be brought into the area.
- Dog owners/handlers are responsible for their dog's behavior, well-being, and any injuries or damage caused by their dogs.
- Dogs may not be left unattended.
- Dog waste must be picked up immediately and disposed of properly.
- All dogs must be leashed until they are inside the gated area and the gate is closed.
- Gate must remain closed except when entering or exiting the off-leash area. Please be cautious of other dogs when entering or exiting the gate.
- Dogs must be properly vaccinated, licensed, wearing a collar with ID and rabies tags and free of viral infections or contagious conditions.
- Dogs displaying aggressive behaviors should be redirected or removed until they settle.
- In case of a dog bite or other emergency, call Campus Safety at (802) 387-6899.

Parental/Family Notification

Landmark endeavors to involve the parents & family of dependent students as collaborative partners in a comprehensive educational approach, while respecting the need of students to develop independence and autonomy, and to take responsibility for their own actions, choices, and educational progress. In general, the College expects that the primary communication about a student's program at Landmark will occur directly between the student and his or her parents/family.

Student should refer to the [Notification of Students' Rights under FERPA](#) provided in the Student Handbook to understand their rights with respect to their education records and the circumstances under which FERPA authorizes disclosure without consent.

The primary academic contact person for parents of dependent students is their son or daughter's Academic Advisor, and parents are encouraged to communicate directly with the Advisor if they have any questions or concerns. The Academic Dean assigned to work with a given student may also serve as a contact person, as may the Dean of the College.

Because Landmark seeks to emphasize the role of choice and personal responsibility in students' lives, in general, Academic Advisors or Deans will involve students before notifying parents of specific concerns regarding academic performance. Parents will be mailed a copy of the letter notifying the student of any formal disciplinary decision to place that student on academic probation.

Smoking & Tobacco Use

Landmark College strives to provide a healthy, safe, and productive work, educational, and social environment for students, faculty and staff. In view of the overwhelming evidence regarding the negative health effects of smoking, second-hand smoke, and tobacco use, the following regulations apply to campus:

1. 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.
2. Smoking is prohibited in any College owned vehicle, and any vehicle parked or idling on campus, including personal vehicles.
3. Smokeless tobacco (chewing, dipping, etc.) and other tobacco products are prohibited in all nonresidential College facilities including the dining hall and all classroom, offices and fitness areas located on the lower levels of any residence hall and in all athletic facilities and venues on or off campus.

"Designated Smoking Areas" are indicated by an official "Designated Smoking Area" sign.

Enforcement

All members of the Landmark College community are responsible for observing this policy and its provisions. Further, each member of the campus community has the right and responsibility to address violations of this policy directly with the offending individuals.

Campus Security and Residential Life staff are responsible for assuring compliance with this policy, and all problems with student compliance should be referred to them. Documented violations of this policy for students can be met with sanctions that include fines, community service and placement on disciplinary status.

Concerns among faculty & staff related to this policy should be brought to the appropriate supervisor and, if necessary, referred to Human Resources. Documented violations of this policy will follow the disciplinary and corrective actions policies in the Human Resources office.

Support

Faculty & Staff will be able to obtain smoking cessation support from Health Services (consultation only: prescriptions will need to be administered by health care provider).

Vehicle Regulations

Landmark College recognizes that many students want and need on-campus access to a car (or motorcycle) for personal use and offers parking privileges to all students. The College is also responsible for the safety of students, faculty, staff and visitors. To facilitate vehicle use on campus and assure safety, the College has established the following Vehicle Regulations.

All motor vehicle operators who bring a vehicle onto the campus are responsible for understanding and following the parking and traffic regulations of the campus.

Landmark College is not responsible for any damage or theft that may occur to a vehicle while on the campus.

Registration

- All vehicles (including motorcycles) on Landmark College property must be registered with the Department of Campus Safety within 24 hours of the vehicle's arrival on campus.
- An issued permit does not guarantee that a parking space will be available. The lack of an appropriate parking space is not an excuse for violating the parking regulations.
- Registration forms are available at the Department of Campus Safety office in Davis Hall Room 001, on the Department web page, or at the Office of Human Resources. Human Resources will also provide copies in the Faculty Lounge/Admin copy room.
- Any false or incorrect information given at the time of registration will automatically void the permit.
- Permits will be displayed within 4 inches of the bottom edge of the windshield, and within 12 inches of the passenger's side edge of the windshield, unless the registrant's state law prohibits this location, then a Department of Campus Safety Officer will determine an alternate location. Permits displayed in an unapproved location will not be valid, and violations will be issued.
- Guests who wish to park a vehicle on campus must register their vehicle with the Department of Campus Safety upon their arrival on campus. It is the responsibility of the host to ensure a guest pass is received.
- Landmark registrants are responsible for their vehicles. Citations issued are the responsibility of the Landmark registrant regardless of the vehicle's operator at the time of the citation.
- Landmark College Parking and Traffic Regulations may be enforced by members of the Department of Campus Safety, and citations may be issued from reports by Residential Life staff and/or Facilities staff.

Issuing Permits

- Students and employees are required to register their vehicles when their vehicle is first brought on campus and each time they bring a new/replacement vehicle on campus. Students may re-register their vehicle when they are eligible for a change in parking location. Students and employees are required to notify the Department of Campus Safety of any changes to their registration information within one week of any change. Such changes may include: change of contact information, license plate number, or color of vehicle.
- Only one permit will be displayed at a time with the exception of special circumstance permits (e.g. handicap and medical needs parking permits).
- Permits must be visible whenever the vehicle is on campus.
- There are three types of regular parking permits that can be issued: Employee Parking, Student Lower Campus and Student Upper Campus permits.
- Vehicles are assigned parking to specific parking lots. If a vehicle is found in a lot other than the one assigned, then the Landmark registrant will receive a citation.
- Guest parking passes may be issued by Official Departments of the College.

- Departments and Offices must notify the Department of Campus Safety if they are going to be issuing guest parking passes, prior to their issuance. The notification must include the date and time of the event for which they will be issuing guest passes.

Parking

- A vehicle is considered parked any time it is stopped, other than at a stop sign, whether the vehicle is attended or unattended by the driver or a passenger.
- All non-service vehicles parked in a fire lane will be cited and towed at the owner's expense.
- At no time should a vehicle be parked on any walkway or sidewalk, landscaped/grass area, or blocking the entrance to a building.
- In all areas where there is designated parking, the driver must park within the marked space, so that the painted lines show on either side of the vehicle.
- In parking areas where there are no painted lines, the driver must park in a manner as to allow other vehicles to be parked uniformly.
- Vehicles must be parked in a way that does not obstruct the flow of traffic.

Employees

Employees shall be issued Employee Parking Permits which enable the employee to park in either the upper or lower campus parking lots.

Students

Students will be issued a permit based on their length of time as a student at the College. At no time should a student's vehicle be parked in an unassigned lot.

Admissions Parking Lot

Parking in this lot is for employees assigned to the Admissions Building only. Students and employees may park in this lot only if they have business in the Admissions Building.

Upper Campus Parking Lot

The Upper Campus Parking Lot is comprised of the marked spaces along Perseverance Lane. Both employees and students will be assigned to this lot. Student assignments to the Upper Campus Parking Lot will be based on seniority of successfully completed semesters at the College, or for special needs (e.g. handicapped/medical). At no time should any individual be parked within the fire lane, blocking a service drive, blocking a trash receptacle, or the entrance to a building or stairway.

Lower Campus Parking Lots

The Lower Campus Parking Lots are comprised of the designated spaces within the Main Campus. This includes spaces near the Click Center (Lot C), and both the Upper and Lower FAB parking areas (Lot D). Students who have not completed their third semester at Landmark will be assigned to these lots, and employees may park in these lots as well. No parking is allowed in LOT C from the hours of 1:00 a.m. to 7:00 a.m. from November 1st through April 15th.

Administration Lot

The lower campus parking lot directly adjacent to both the Click Family Sports Center and the Administration Building is restricted to vehicles that are parked for less than 14 continuous hours per parked period. Further, no parking is allowed in this lot from **10:00 p.m. to 6:00 a.m.**

Charles Drake Athletic Field (Charles Drake Lane)

The Charles Drake Athletic Field is located at the intersection of Charles Drake lane and River Road South. Parking is prohibited along Charles Drake Lane and along the fence line of the field on River Road South unless authorized by Campus Safety.

Practice Field (78 River Road South)

The Practice Field Lot is an unmarked grass field, east of Charles Drake Field, and has a capacity for an estimated 150+ vehicles. This lot will be used for parking at specially designated times during the year. Parking is not allowed in this area at any other time. The Facilities and Campus Safety Departments will assign adequate personnel to facilitate the parking process in the case of special events.

Break Parking Lot

The Break Parking Lot is a gravel parking lot located next to Drake Field the parking area entrance is off River Rd S. This area is used when a student would like to leave their vehicle over the various breaks in the school year.

Guest Parking – Non-event

Any guest of a student wishing to park a vehicle on campus is required to register that vehicle with the Department of Campus Safety upon arrival on campus. The individual will be issued a temporary permit that will be hung from the rearview mirror.

Permits must be visible whenever the vehicle is on campus. All guests are required to park their vehicle in the Lower Campus Parking Lot. The host is responsible for any citations issued to their guests.

Temporary Permits

On occasion, an individual will require a short-term permit (e.g., rented vehicle, loaner car from a garage, etc.). The individual will be issued a temporary permit that will be hung from the rearview mirror. Vehicles with temporary permits will be assigned to a lot based on the circumstances for the permit. Sending an email to the Department of Campus Safety does not constitute registering a temporary vehicle. The Landmark registrant must come to the Security Office to get a temporary permit.

Medical Needs Permits

Any individual with a handicap permit from his/her state of registration is allowed to use any of the available handicap designated spaces. On campus medical need parking is granted for students from the Office of Health Services; or for employees, from the Office of Human Resources. Misuse of an on campus medical need permit will result in the permit being revoked..

Reserved Parking

There are several types of reserved parking around campus. Individuals are not allowed to park in reserved spaces without prior approval from the Department of Campus Safety. If you are not specifically assigned authorization to a reserved space, do not park there. Vehicles that have been assigned a regular campus parking permit are not authorized to park in visitor parking spaces (with the exception of persons conducting short term business in the Admissions Building). Authorized vehicles may be required to vacate a reserved space if additional parking spaces are needed for any reason.

Service & Delivery Parking

Service vehicles are defined as Campus Safety, Facilities, USPS, FedEx and other parcel delivery service, regular contractors (First Choice, BreadLoaf, etc.) and other contractors as needed.

Other areas for service and delivery parking include areas immediately outside of all campus building entrances.

Allowance is made for the parking of service vehicles along the jersey barriers on Perseverance Lane for the purpose of unloading or job duties. The operator of the vehicle must be within the immediate vicinity of the vehicle in case of emergency.

A designated space for service and delivery vehicles has been established at the Administration Building east entrance and the Student Center loading dock. Faculty and Staff may park in the “20 Minute” spaces next to the Administration Building to get their mail or to briefly conduct business in the Administration building. **AT NO TIME SHOULD STUDENTS BE PARKED IN THESE SPOTS.**

Special Event Parking

When the College is hosting a campus wide special event, the Director of Campus Safety, or his/her designee may choose to direct employees (including Resident Assistants) to move their cars to other designated parking areas, such as the Practice Field, for the duration of the special event.

When senior management has determined that employees should park in other designated areas for an event, the Director of Campus Safety or his/her designee will send out an email notification to the campus community informing them when they need to park in the other designated parking areas, and when they may return to their regular parking areas.

If possible, a notification about parking in other designated parking areas will be sent a week before the event, and then a second notification will be sent the day prior to the event as a reminder.

EMPLOYEES WHO DO NOT PARK IN THE DESIGNATED PARKING AREAS DURING A SPECIAL EVENT WILL BE CITED FOR PARKING IN AN UNAUTHORIZED PARKING LOT.

Citations issued during special events will be placed in employee mailboxes as soon as possible after the event.

Exceptions:

Employees who have a state-issued handicap parking placard, or a campus issued medical needs parking pass are not required to park in the designated parking areas during special events.

If an employee believes that, due to their role in the special event, they should be allowed to park in their regular lot, they must contact the Director of Campus Safety, or his/her designee, and receive written permission to park in their regular lot during the special event.

Speed Limits

The speed limit for campus is 15 MPH. No vehicle shall be operated at a speed greater than deemed safe due to weather conditions or visibility, or at a speed that endangers the safety of pedestrians or others using the roadways.

Violations & Fines

Parking/driving violations and their associated fines can be found below. Multiple violations may be cited on one citation. This list is not meant to be exhaustive.

\$25.00 fines include:

- Parking on the grass or landscaped areas;
- Parking in an unauthorized lot;
- Parking in a reserved space;
- Parking in a “No Parking” zone;
- Blocking any loading zone or the kitchen drive;
- Parking on a service road;
- Blocking any walkway or driveway;
- Double parking;
- Impeding snow removal;
- Operating a vehicle under the colonnade;
- Operating a vehicle on any walkway;
- Operating a vehicle on the grass or landscaped areas;
- Not properly registering a vehicle;
- Not properly displaying parking permit;
- Noise violation.

\$50.00 fines include:

- Driving at an excessive speed;
- Driving recklessly;
- Driving the wrong way on a one-way road;
- Parking in a handicap space without authorization;
- Parking in a fire lane;
- Impeding Facilities work on campus.

Payment Of Fines – Students

Payments of citations are due within 10 calendar days of the date of issue. After 10 days, the fine will double if not paid.

Payments are to be made at the Business Office in the Administration Building.

All citations issued to students that remain unpaid at the end of the 10-day payment period will be billed to the particular student’s tuition.

Payment Of Fines – Employees

As the College does not have a means for directly billing employees who fail to pay their citations, the following shall apply to employees with outstanding citations:

- An audit of citation records shall be performed every month to determine if there are any outstanding employee citations.
- Employees who have outstanding citations will be sent a notification that they have outstanding citations that need to be paid immediately. The notification shall be documented in the citation record.

Appeals

Individuals who receive a citation and believe that the citation was issued in error or that there were mitigating circumstances, may petition the Department of Campus Safety for consideration.

- An appeal form may be obtained at the Office of the Department of Campus Safety in Davis Hall, or online at SharkNet.
- The appeal form must be submitted prior to the date the citation is due to be paid.
- ANY APPEALS RECEIVED AFTER THE DUE DATE WILL NOT BE ACCEPTED
- All student appeals will be reviewed by the Assistant Director of Campus Safety or his/her designee, and a determination made based on the Parking and Traffic Regulations of Landmark College. A written determination will typically be provided within five business days of submission.
- All employee appeals will be reviewed by the Office of Human Resources, and a determination made based on the Parking and Traffic Regulations of Landmark College. An e-mail written determination will typically be provided within five business days of submission.

Repeat Offenders

Continuous violations of the Parking and Traffic Regulations may result in the Landmark registrant losing parking and driving privileges on campus.

Third Citation

When a vehicle has received three citations in one semester, an email written warning, advising that upon receiving a fourth citation the vehicle is subjected to towing, will be sent to the Landmark registrant. If the Landmark registrant is a student, a copy of the warning will be sent to the student's Resident Dean, the Director of Student Conduct and the student's Advisor. If the Landmark registrant is an employee, a copy will be sent to Human Resources.

Fourth Citation

When a vehicle has received four citations in one semester a written warning, advising that upon receiving a fifth citation the vehicle will be banned from campus, will be sent to the Landmark registrant. If the Landmark registrant is a student, a copy of the letter will be sent to the student's Resident Dean, the Director of Student Conduct and the student's Advisor. The fine for a fourth citation will be a minimum of twice (2x) the face value of the citation. If the Landmark registrant is an employee, a copy will be sent to Human Resources, who will address the issue with the employee's supervisor. The vehicle will also be subject to being towed off campus at the Landmark registrant's expense.

Fifth Citation

Upon receiving five citations in one semester, the vehicle is banned from campus for a minimum of 30 days that classes are in session. The Landmark registrant is also banned from operating any other vehicle on campus. Any additional violations during the ban period will restart the ban period. Employees will be subject to formal disciplinary action. The fine for a fifth citation will be a minimum of three (3x) times the face value of the citation.

Towing

In order to maintain an ordered and safe campus, it may be necessary for the college to tow student/staff vehicles. We consider this a last resort and will make all reasonable efforts to allow Landmark registrants to adhere to parking regulations and make arrangements to move their vehicles.

Vehicle may be subject to towing at the owner's/ Landmark registrant's expense for these violations:

- Students receiving four or more violations in one semester;
- Parking on or blocking loading docks/areas;
- Parking or blocking the Alumni Hall drive;
- Parking or driving under the colonnade;
- Parking in a fire lane;
- Driving under the influence of alcohol and/or drugs;
- Excessive speed or reckless driving;
- Parking on the lawn or gravel anywhere on campus;
- Vehicle that is banned from campus;
- Impeding the removal of snow;
- Parking in LOT C and the Administration Lot between the hours of 1:00 a.m. to 7:00 a.m. November 1st and April 15th.

A vehicle may be towed at the College's expense if the vehicle is in the way of emergency work, or if the vehicle may sustain damage from work being conducted near the vehicle. In these cases, a reasonable effort to locate the Landmark registrant will be conducted first.

Upon being towed, an e-mail notification will be sent to the Landmark registrant, advising which company towed the vehicle and contact information for retrieval. If the registrant is a student, a copy of the e-mail will be sent to the student's Residential Dean, Advisor, and Director of Residential Life.

If the registrant is an employee, a copy of the e-mail will be sent to the employee's supervisor and Department of Human Resources.

Landmark College assumes no responsibility for damage or loss resulting from the moving of such vehicles.

Any vehicle towed off campus for any reason will be removed to the tow yard of the on call tow company. The rate of tow will be the current emergency services rate for the tow company. The fee will include 24 hours of storage in the tow yard. The fee for each day after the initial 24-hour period will be charged to the Landmark registrant. The tow company will invoice Landmark College after the vehicle has been picked up by the Landmark registrant. The College will then bill the Landmark registrant's account.

Abandoned Vehicles

Vehicles that appear to be non-functional, abandoned, or unregistered and that are left on campus for more than seven days will be towed to the rear, Break Parking Lot for storage at the Landmark registrant's expense. The Landmark registrant, if known, will be informed via email that the vehicle has been towed, the location to which it was towed, and the expense incurred.

Parking During Breaks

All student vehicles left on campus over any break are to be parked in the Break Parking Lot located off River Rd S. Vehicles parked in other areas of the campus may be towed at the Landmark

registrant's expense. Students who leave their vehicles on Landmark College property assume the risk for any damage to or theft of or from their vehicle.

Loading/Unloading

Vehicles may be parked along the jersey barriers on Perseverance Lane, or the Bridges traffic circle, for no more than 10 minutes for the purpose of loading or unloading substantial items from the vehicle. The operator must call Campus Safety and advise the on-duty officer of the vehicle's location and who is responsible for the vehicle. The vehicle must have four-way flashers activated and the driver must be available in case of an emergency.

Revocation Of Student Parking Privileges

Upon accrual of five parking citations, and/or two speeding/reckless driving citations, parking and driving privileges will be revoked for a minimum of 30 days that classes are in session. If the vehicle is found to be on campus, or the banned operator driving a vehicle on campus during the banned period, the ban will be restarted. Judicial Affairs disciplinary processes will be continued.

If a vehicle is towed twice during the revocation period, or a continuation of violations occurs after the ban period, the Landmark registrant will have all parking and driving privileges revoked for the remainder of the semester as well as the following semester.

If a Landmark registrant loses his or her right to operate a motor vehicle in the State of Vermont, then all parking and driving privileges on campus will be revoked.

If a Landmark registrant is arrested for a Driving While Intoxicated or a Driving Under the Influence charge, then the Landmark registrant's privilege to operate or park a vehicle on campus will be revoked, pending a judicial outcome. If found guilty by the criminal court system, the Landmark registrant's vehicle will be permanently removed from campus and the operator will not be allowed to operate or park any vehicle on campus for the remainder of the student's enrollment period.

Permanent loss of parking privileges may occur for consistent disregard of the Parking and Traffic Regulations and/or through the College's judicial process.

Knowingly providing false information on a registration form will result in a one-month parking ban for the Landmark registrant and/or the person who provided the false information. Such action will also be reported to Student Conduct.

Snow Removal

When significant snowfall requires snow removal by Facilities personnel, campus e-mail will advise of such. It is the responsibility of the Landmark registrant to be aware of the need to move the vehicle. A vehicle found to be impeding snow removal will be towed at the Landmark registrant's expense. Vehicles that are towed while snow removal operations are in effect will be charged the current tow company rate. Vehicles moved after the stated time will be issued a minimum of a \$25.00 citation for impeding snow removal in addition to the tow company fee.

Violence

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

Video Surveillance Cameras

General Policy

Landmark College is committed to enhancing a safe environment for students, employees, and visitors by integrating the best practices of technology use for campus safety and security. A critical component of a comprehensive campus safety plan is the utilization of video surveillance systems.

Landmark utilizes video surveillance cameras as a campus safety, emergency response, and deterrence tool. Video surveillance and recording for safety and security purposes will be conducted in a manner that respects the reasonable expectation of privacy among members of the community.

Camera Placement and Purpose

Video surveillance cameras will be strategically placed in public areas across campus to deter and investigate unauthorized activities, adverse behaviors, and safety concerns.

Cameras will not be placed in areas where individuals have a reasonable expectation of privacy, such as outside of restrooms, locker rooms, residential student rooms, and individual offices.

The primary purpose of video surveillance cameras is to record events for later review and investigation. They will not be actively monitored on a full-time basis.

Data Retention

Recorded footage will be retained for up to 90 days, after which it will be automatically deleted unless needed and retained as part of an investigation or disciplinary record.

Access to Footage

Access to stored footage will be restricted to authorized personnel who are appropriately exercising their responsibilities at the College, including Campus Safety personnel or administrators in Student Affairs, Human Resources, or the President's office.

Exclusions

This policy does not apply to video recording or monitoring used for operational purposes, academic purposes (under the College's classroom recording policy, media purposes, or recording of public performances, events, or interviews provided that such activity is disclosed or readily apparent to those in view of the camera. Examples of such excluded activities would include the recording of research subjects, athletic events, concerts, plays, lectures, or interviews of persons.

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

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 supersede 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 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, Dean of Campus Life & Dir. of Res Life	(802) 387-6411
Craig Marcus, Dean of Students & Dir. of Student Engagement	(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

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, during business hours by phone to the Title IX Coordinator at (802) 3876713, 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.

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.

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:

1. access to counseling and medical services
2. assistance in obtaining a sexual assault nurse examination
3. academic accommodations, such as extensions of deadlines or other course-related adjustments, course changes or late drops, or other arrangements as appropriate;
4. modifications of work or class schedules;
5. 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
6. change in class schedules, including the ability to transfer course sections or withdraw from a course;
7. campus escort services and safety planning steps;
8. mutual restrictions on contact between parties and/or other individuals;
9. residential accommodations, including but not limited to arranging for new housing, or providing temporary housing options, as appropriate;
10. assistance navigating off-campus housing concerns;
11. changes in work locations;
12. leaves of absence;
13. increased security and monitoring of certain areas of campus;
14. changing transportation or working arrangements or providing other employment accommodations, as appropriate;
15. 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;
16. voluntary leaves of absence;
17. referral to resources which can assist in obtaining an order of protection under Vermont law;
18. referral to resources which can assist with financial aid, visa, or immigration concerns;
19. no trespass notices prohibiting the presence of an individual on College property; and
20. 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.

Residential Life Policies

Room Use and Occupancy

Each semester, the College establishes dates and times when residence halls open and close for student occupancy. Occupancy other than during these specified dates is prohibited unless specific permission is given. Students are responsible for knowing these dates and planning travel accordingly.

Resident students may be held responsible for violations of College policy that occur within their room or in their suite even if they are not present at the time of the violation. For this reason, students are advised to keep their doors and windows locked at all times, and to give careful scrutiny to those individuals who are permitted to be in their room.

Students who have completed their coursework and exams at the end of the semester may remain on campus until the formal close of the residence halls. However, any behavior that is considered disruptive or otherwise a distraction to other students who may be completing coursework or exams may be asked to leave campus.

Personal Property Liability

The College does not assume responsibility for damages, loss of personal property, failure or interruption of services due to weather or other acts of God. The College does not assume responsibility for lost or stolen items anywhere on campus; students are advised to carry the proper insurance.

This policy applies not only to students' own possessions, but those possessions left in their charge (i.e. college equipment on loan).

Room Check-In Procedure

At the beginning of the year, or whenever a student is in their initial residency of a room, they will be required to complete a room inventory/inspection form. This form is an agreement of the initial condition of the room before the student moves in. Failure to complete this form may result in the student's inability to contest any damages incurred or observed in the room at a later date.

Room Check-Out Procedure

At the end of each semester, residents are responsible for scheduling and attending a check-out appointment with the Resident Dean. If this is not possible, another Resident Dean or the Director of Residential Life may do the check-out. At this time, it is expected that all residential room have been cleaned and do not pose any health or safety risks.

Failure to meet with a Residence Life staff member for the check-out appointment may result in a \$50.00 fine and the forfeiture of all rights to contest damage assessments or other charges.

In order to maximize safety and security for the residence halls and individuals student rooms, all students will be required to turn in the key to their residence at the end of each semester. This process will be required of all students, even if they are returning to the same room in the next semester. Students who do not turn in their key at the end of the semester may be assessed a \$25.00 fee to facilitate a lock change to their room.

Students who fail to exit their room by the established building closing time may be subject to a \$30.00 fine for each ½ hour past the departure deadline. For this reason, students are strongly

encouraged to take advantage of the information available by the Resident Dean at the end of each semester and speak directly to the Resident Dean if they foresee any difficulty in departing the campus on time.

Items left in a residence hall room after the student has checked out will be considered abandoned items unless other arrangements have been made with residential staff. In cases of abandoned items, the College will remove and dispose of the property at its discretion. The College assumes no liability for abandoned items or responsibility for their replacement.

Locking Doors

In the interest of safety, all students should lock their doors when they are leaving their rooms and carry their key with them. Doors should also be locked when students are sleeping. Keys should not be copied or loaned to other students. In addition, fire doors in the halls should not be propped open. Doors may only be held open by magnetic door holders that are connected to the fire alarm system.

Lock-Outs

Students who are locked out of their room should, after trying to find their roommate(s), call Campus Security or the Residential Staff on duty to gain access to their room. Campus Safety will track lock-outs, assess fees/fines and inform the After three lock-outs in one semester, students will be assessed fines according to the following schedule:

- Fourth lock-out - \$10.00
- Fifth lock-out - \$20.00
- Sixth lock-out - \$30.00
- After sixth lock-out - \$40.00 and meeting with Director of Residential Life.

Lofts

Beds can be lofted, but only after being inspected by the Residential or Facilities staff to ensure safety. The College assumes no responsibility for any damages or injuries caused by a lofted bed, even one that has been inspected by the College and considered safe.

Lost Room Keys

Because of security concerns, any time a key is lost the student must immediately notify a Resident Dean and a lock change will be initiated. A \$25 fee will be charged to the student who has lost their key.

Students who lose their keys more than three times over the course of the semester may be required to meet with a member of the Vice President for Student Affairs office to discuss better ways to safeguard their keys and room security.

Noxious odors

The College reserves the right to address any noxious odors that are present in residence halls, classrooms, offices, or any campus building or facility. A noxious odor is any aroma of such intensity that it becomes apparent to others. Some examples are the scents and residue from cigarettes, cigars, or pipe smoke, incense, perfume, air freshening spray, large amounts of dirty laundry, rotting food, trash, and odors related to personal hygiene.

Windows

Windows should not be used to enter or exit a building, or pass materials in and out of the residence halls. Screens should remain in place at all times. Any problems with a window, screen or lock should be reported to the Resident Dean. Windows should be shut and locked when a student is not in the room.

Room Consolidation

In a situation where a student has an empty space in their room and has not been assigned a single room, these students may be assigned a new roommate or be asked to consolidate rooms with another student. In either case, the Residential staff will work diligently to insure that students will be placed with compatible roommates.

Room Changes

Roommate changes are rare and may be made only under the direction of the Residential staff. Whenever roommate conflicts arise, they should be brought to the attention of the Resident Dean as soon as possible. In most cases, the Resident Dean will meet with each roommate and attempt to mediate differences, implement possible solutions or compromises, help the students establish better communications, and work toward an end to the conflict.

Room, Automobile, and Personal Effects Inspections and Searches

Periodic inspections of rooms, suites and automobiles by members of the Residential, Security and Facilities staff ensure that fire, health, and safety regulations are being upheld, and that occupants are maintaining Landmark property in good condition. Typically, students are notified of a general inspection of their rooms at least 24 hours in advance. Students are encouraged to be present during inspections.

In the event that a student makes a request for work to be done in the room, students should know that Facilities will enter the room to complete the task without advance notice. The student is then responsible for taking whatever steps he/she feels are necessary to maximize their privacy (i.e. securing valuables, private items). In the event that the College requires access to a student room for Facilities or maintenance work while the College is in session, students will be informed about the need to enter rooms and any other requirements that may need to occur (moving furniture away from a wall, etc). Students will then be responsible for taking whatever steps they feel are necessary to maximize their privacy and security.

During periods when the College is closed, College personnel including Residential Life, Facilities or Security staff may enter students' rooms/suites to insure that closing procedures have been properly completed and to complete any necessary maintenance on the buildings.

Further, Landmark College reserves the right to enter, inspect and search students' rooms, suites (including common areas), automobiles or personal effects without notice in case of emergency or when there is reason to believe that campus regulations are not being followed or that College policies may have been or are being violated. The College will cooperate with law enforcement authorities as required and appropriate.

Damage to College Property

All students are expected to treat College-owned facilities with the highest degree of respect and care. Should damage to College-owned property occur, students are expected to identify themselves and assume responsibility for repair costs and/or any attendant disciplinary action.

If damages to College –owned property occurs and no responsible party can be identified, the cost of repairs will be divided among the residents of a room, suite, building or the entire campus.

Appliances

With the exception of College-owned appliances, only small microwaves and refrigerators in good working order and that meet with the approval of the Residential, Facilities and Safety and Security staffs may be permitted in residence hall rooms or suites. Stand-alone air conditioners (those that do not sit in the window) are permitted only for medical reasons with written authorization from a prescribing physician. Students who consistently overload the electrical system and cause power outages will meet with the Resident Dean to resolve the matter. The College may require the removal of appliances from the room.

College Furniture

All common use furniture in Residential Lounges, Common Areas, Admin, and classroom buildings etc such as chairs, sofas, tables, televisions, cabinets, and portable VCR/DVD players are provided for common use and may not be or moved. Students found with college furnishings in their rooms will be required to return them immediately and assessed a \$50.00 fine. If not, the Facilities Staff will promptly be called to remove the items, and an additional \$50.00 fine will be charged to the student responsible for moving the furniture. If it is not possible to determine responsibility for the moved furniture, both residents of the student room where items are found will be charged for the removal.

Lounge furniture and appliances in the Bridges suites must remain in the assigned suite at all times.

In cases where lounge furniture is missing or destroyed, the replacement cost of the particular items will be charged to the entire student body.

Individual room furniture, such as beds, desks, bureaus, chairs and wardrobes must remain in the room at all times. Resident students will be held responsible for any damaged or missing furniture from their rooms.

Fire Regulations and Safety Procedures

Compliance with fire regulations is a necessity in the residence halls. 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;

Evacuation Guidelines

At the sound of a fire alarm, all occupants of a building are required to evacuate the building and remain outside until given explicit permission to return by a College or Fire Safety official. (Level II)

NOTE: All student rooms will have an evacuation route posted. 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 any 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 representative.

Fire drills are conducted periodically throughout the year. Students who do not comply with fire drill instructions will be subject to disciplinary action including fines.

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 which 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, Safety & Security 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.
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.

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 also 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 (like smoke detectors and sprinklers)

Fire Setting

Lighting a fire without authorization, intentional or unintentional fire setting on college property, or setting fires with the intention of destroying property is strictly prohibited. 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 also 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, an individual should:

1. Pull the nearest fire alarm and then exit the building.
2. Notify a Resident Dean, RA or campus security personnel, to inform them as to where the fire is located.
3. Remain available to inform the Putney Fire Department or College staff, as they may need information.

Guests & Visitation

Out of respect for a roommate's right to privacy, students are expected to comply with the expressed desire of their roommate not to have guests in the room (both student and non-student). Guests who are loud or otherwise disruptive at any time may be asked to leave the residence hall and/or campus at the discretion of the Resident Dean, a Campus Security officer or other College Official.

Students who are asked to leave another student's room (either by the resident or a College staff member) are expected to comply with this request.

Non-Student Guests

- Students may have non-student guests on campus, but must receive written permission for overnight guests from the Residential Staff from the building of the host student in the form of a guest pass. Guests must be registered by midnight in order to stay on campus.
- Guest rooms are not provided on campus.
- Non-student guests must be prepared to show personal identification to the Resident Dean, fill out a guest pass, carry a copy of their guest pass with them at all times, and show it to any Landmark official upon request.
- Students are allowed to sign in a maximum of two non-student guests at the same time.
- Non-student guests may stay on campus for up to three nights within a 14-day period.
- Landmark College assumes no liability for the personal property of any guest, registered or unregistered.
- In case of emergency, or upon a non-student guest's inappropriate behavior or violation of any Landmark College policy, the College reserves the right to notify the family or institution of the guest.
- Host students are responsible for the behavior of their non-student guests, for their compliance with Landmark's regulations, and for paying any citations or damages to Landmark College property if caused by their guest's behavior.
- The Resident Dean and Campus Security personnel may require non-student guests to leave campus immediately if they violate any campus policy or behave in such a manner as to adversely affect Landmark College, a member of the College community, or the living and learning environment on campus. Landmark may ban any guest from campus indefinitely and may revoke a student's privilege to have guests on campus.

Pets

Bowl/tank fish are the only pets permitted in student rooms. Owners of pet fish must make arrangements for the care of tanks and fish during vacation periods. Students may not have any other pets in the residence halls or on campus permanently or temporarily. Students' guests are also expected to abide by all policies of the College and are not allowed to bring any pets with them to campus.

Students who are found to have unauthorized pets on campus may be assessed a fine of \$50.00 for each day the pet was on campus as well as any costs associated with removal and cleaning required by the pet's presence.

Quiet and Courtesy Hours

The rigorous academic programs at Landmark require extensive evening study. For this reason, quiet hours must be observed in the residence halls at the following times:

- Sunday - Thursday evenings from 9 P.M. to 7 A.M.
- Friday & Saturday – 11:00 p.m. to 7:00 a.m.
- Davis Hall – 7:00 p.m. to 7:00 a.m. 7 days per week.

At all other times, out of consideration for other students, noise should be kept to a reasonable level. Students who bring radios, stereos, and computers with speakers must also bring earphone attachments for use during quiet hours.

Additionally, noise directly outside of a residence hall should be kept at a reasonable level as well. This includes, but is not limited to individual voices, musical instruments and vehicle sound systems.

During final exam periods, extended quiet hours will be posted and enforced to facilitate conditions conducive to study. Any student who violates quiet hours during final exam periods and has completed all course requirements may be asked to check out of the residence halls and leave the campus before the time of closing.

Storage

For the convenience for students, Landmark College offers limited storage during the semester breaks for students who will be returning to the College for any of the summer sessions or who will be moving between the fall and spring semesters. Students can reserve a storage lockers in Aiken Hall during posted times during the semester.

All students, by placing belongings in storage, students agree to each of the following points

1. Storage is available on a first-come-first-serve basis
2. NO FOOD or FURNITURE is allowed in storage.
3. Students place belongings in storage at their own risk. Landmark College, or any of its staff or agents, are not responsible for the repair or replacement of lost, damaged or otherwise missing items from storage.
4. Items in storage must be removed within three days of a student's return to campus. All items left in storage after this time are subject to fines of \$50 per locker per week and after two weeks are subject to removal and/or disposal at the College's discretion.
5. There are other local options for students who do not meet the criteria to use on-campus storage or who need more space than the College can provide.

Grievance Policy and Procedures

Definitions

Grievance: a circumstance or condition thought to be unjust and grounds for a complaint or resentment.

Grievant: a student who feels aggrieved by the action of another student or employee at Landmark.

Respondent: a student or employee who is alleged to have been the cause of the grievance.

Grievance Procedure

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

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

1. A grievant should discuss the matter with the respondent in an effort to resolve the grievance.
2. If no resolution is reached, or if discussion with the respondent is not possible, the grievant should discuss the matter with the Vice President for Student Affairs, a Counselor, Resident Dean, or any College administrator.
3. If no resolution is reached, the grievant should submit a written statement of the grievance to the Vice President for Student Affairs. The written grievance must include the name of the grievant, the name(s) of the respondent(s), the date of the grievance, the nature of the grievance, the redress sought, and any steps already taken to resolve the grievance. A copy of the formal written grievance must be given to the respondent(s).
4. The Vice President for Student Affairs, at his or her discretion, may conduct an investigation, or may meet separately or jointly with the respondent, grievant or others and resolve this matter in an administrative hearing. If the grievance is not resolved at this level, or addresses behavior that may require a student's suspension or expulsion from the College, the Vice President for Student Affairs may present a report to the President of the College recommending a course of action, including referral to a College Conduct Board.
5. The President of the College may accept, amend, reject or return the recommendation for reconsideration. The final decision on any grievance, and responsibility for implementation of actions, rests with the President of the College.

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

Suspension or expulsion for any reason is not grievable.

Formal Procedures Outside the College

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

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

Landmark College Complaint Procedure

Summary of Program Integrity Rules

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

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

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

Recommended Content of Complaint

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

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

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

Office of the President
Landmark College
19 River Road South
Putney, VT 05346
802.387.6725, President@Landmark.edu

For Complaints Alleging Consumer Fraud:

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

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

For Complaints Regarding State Licensing of Postsecondary Institutions:

Vermont Board of Education
Attn: Suzanne Sprague (suzanne.sprague@vermont.gov)
VT Agency of Education
219 North Main Street, Suite 402
Barre, VT 05620-2501
(802) 479-1030
<https://education.vermont.gov/sites/aoe/files/documents/edu-postsecondary-program-complaint-resolution.pdf>

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

For Complaints Regarding Quality or Accreditation:

New England Commission of Higher Education
301 Edgewater Place, Suite 210, Wakefield, MA 01880
Tel: 781-425-7785
<https://www.neche.org/comments-complaints/>

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

Neither the Public Comment nor the Complaint process is designed to offer a remedy for personal grievances. In no case are anonymous submissions accepted.