

Important Vermont Law Definitions

Domestic Violence, Dating Violence, Stalking & Sexual Assault

Domestic Violence

- Domestic assault is attempting to cause or to willfully or recklessly cause bodily injury to a family or household member or to willfully cause a family or household member to fear imminent serious bodily injury.
- “Household members” are those persons who, for any period of time, are living or have lived together, are sharing or have shared occupancy of a dwelling, are engaged in or have engaged in a sexual relationship, or minors or adults who are dating or have dated.
- Landmark excludes roommates and dorm-mates from domestic violence definition.

Dating Violence

- Domestic assault includes attempting to cause or to willfully or recklessly cause bodily injury to a person one is dating or has dated or to willfully cause such person to fear imminent serious bodily injury.
- “**Dating**” is defined as a social relationship of a romantic nature. Factors to consider in determining whether a dating relationship exists or existed, include:
 - (a) the nature of the relationship;
 - (b) the length of time the relationship has existed;
 - (c) the frequency of the interaction between the parties; and
 - (d) the length of time since the relationship ended, if applicable.

Stalking

- Defined to mean engaging in a course of conduct which consists of following, lying in wait for, or harassing a person, when such conduct:
 - (a) serves no legitimate purpose; and
 - (b) would cause a reasonable person to fear for his or her physical safety or health or would cause a reasonable person to suffer emotional distress.
 - “Course of conduct” means a pattern of conduct composed of two or more acts over a period of time, however short, evidencing a continuity of purpose.
- “Following” means maintaining, over a period of time, a visual or physical proximity to another person in such a manner as would cause a reasonable person to have a fear of unlawful sexual conduct, unlawful restraint, bodily injury or death.
- “Lying in wait” means hiding or being concealed for the purpose of attacking or harming another person.
- “Harassing” means actions directed at a specific person, or a member of the person’s family, which would cause a reasonable person to fear unlawful sexual conduct, unlawful restraint, bodily injury, or death, including but not limited to verbal threats, written, telephonic, or other electronically communicated threats, vandalism, or physical contact without consent.

Sexual Assault

- **Consent** is defined to mean “words or actions by a person indicating a voluntary agreement to engage in a sexual act.”
- **Sexual Assault:** Sexual assault is engaging in a sexual act with another person and compelling the other person to participate in a sexual act:
 - (1) without the consent of the other person; or
 - (2) by threatening or coercing the other person; or
 - (3) by placing the other person in fear of imminent bodily injury.
- No person shall engage in a sexual act with another person and substantially impair the ability of the other person by administering or employing drugs or intoxicants without the knowledge of or against the will of the other person
- A “sexual act” means conduct between persons consisting of contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the vulva, or any intrusion, however slight, by any part of a person’s body or object into the genital or anal opening of another.

Consent

Under Vermont law, “consent” to sexual activity is defined to mean “words or actions by a person indicating a voluntary agreement to engage in a sexual act.”

These definitions of the State of Vermont are provided as a requirement of the Campus SaVE Act. For a full list of definitions the College uses in its policy, please see the Student Handbook policy entitled “Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence and Stalking”