Annual Security Report
September 2026

Includes crime statistics for the 2023, 2024 and 2025 calendar years

CCV COMMUNITY COLLEGE OF VERMONT

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Mission Statement

The Community College of Vermont supports and challenges all students in meeting their educational and career goals through an abiding commitment to access, affordability, and student success.

About This Report

The Community College of Vermont prepares this report in compliance with the Jeanne Clery Campus Safety Act ("Clery Act").

In November of 1990, Congress passed the Crime Awareness and Campus Security Act, which amended the Higher Education Act of 1965. This act required all postsecondary institutions participating in Title IV programs to disclose security information and campus crime statistics for the three preceding calendar years. The Act was amended in 1992, 1998, 2000 and 2008. The 1998 amendments renamed the law the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act in memory of a student who was slain in her dorm room in 1986.

On March 7, 2013, the Violence Against Women Reauthorization Act (VAWA) was signed into law. VAWA, in pertinent part, amended the Clery Act to require institutions of higher education to disclose statistics, policies and programs related to domestic violence, dating violence, sexual assault and stalking. In addition, the categories of bias for hate crimes were expanded to include bias based on the victim's actual or perceived gender identity or national origin, in addition to the previous categories of race, gender, religion, sexual orientation, ethnicity, and disability.

On December 23, 2024, Congress signed into law the Stop Campus Hazing Act (SCHA), an amendment to 485(f) of the Higher Education Act, and renamed the Clery Act to the "Jeanne Clery Campus Safety Act." The SCHA requires Institutions of Higher Education, to begin collecting hazing statistics beginning January 1, 2025; to implement hazing policies that includes hazing prevention and awareness programs beginning June 23, 2025; to maintain a process for documenting violations of the hazing policy beginning July 1, 2025; to compile and make available Campus Hazing Transparency Reports (if applicable) beginning December 23, 2025; and include hazing statistics in Annual Security Reports beginning October 1, 2026.

This report provides data collected from CCV's twelve academic centers, local and state police departments, and from incident reports filed by faculty, staff and students. These reports are analyzed and compiled by the dean of administration, the dean of students, and their staff. [1]

CCV's policies and procedures apply to each of its academic centers. CCV does not have any on campus student housing facilities, nor does it have any officially recognized student organizations with off-campus locations.

1. Effective July 1, 2026, CCV operates ten academic centers. The contact information listed in this report for academic centers reflects current operations as of the date of this report.

Each year, the Annual Security Report is made available on CCV's website and an email notification providing a link to the report is sent to all enrolled students, faculty, and staff. Physical copies of this report may also be obtained by contacting:

Linda Lawrence, Director of Operations & Facilities
1 Abenaki Way
Winooski, VT 05404
802-654-0650

Safety at CCV

The Community College of Vermont is committed to providing a safe environment for its students, faculty and staff and has policies and procedures that address crime awareness and college security, (including hate crime reporting and timely warnings), safety and security, weapons, emergency response and evacuation procedures, substance use and misuse , discrimination and harassment, sexual violence, hazing, and student code of conduct.

Reporting Criminal Incidents and Emergencies

CCV does not employ a campus security force, but fosters a close relationship with local police, fire and other emergency departments and personnel. In addition, effective July 1, 2016, the VSC has entered a Memorandum of Understanding with the Board of the Vermont Special Investigation Units to allow for the exchange of information and coordination of investigations involving sexual assaults and other sex-based crimes where the alleged victim is affiliated with CCV at the time of the incident and consents to the sharing of information.

Additional contact information for available resources for CCV students, faculty and staff is located at CCV campus and off-campus resources.

CONTACT INFORMATION FOR VERMONT'S SPECIAL INVESTIGATION UNITS

Addison County	**Bennington County**	**Caledonia and Southern Essex Counties**
Addison County Unit for Special Investigations Carolyn Mellish Executive Director 35 Court Street Middlebury, VT 05753 (802)274-5724 Carolyn.mellish@vermont.gov	Bennington County Child Advocacy Center/ SIU Jenna Caslin, Executive Director PO Box 163 129 Elm Street, Bennington VT 05201 (802) 442-5107 Jenna.Caslin@partner.vermont.gov	Caledonia Children's Advocacy Center Christopher St. Cyr, Executive Director PO Box 272, Saint Johnsbury, VT 05819-0272 (802)-424-1227 christopher.stcyr@partner.vermont.gov
Chittenden County	**Franklin & Grand Isle Counties**	**Lamoille County**
Chittenden Children's Advocacy Center/CUSI Tara Gonthier, Executive Director 50 Cherry Street, Suite 102, Burlington, VT 05401 (802) 652-0991 tgonthier@bdpdvt.org	Northwest Unit for Special Investigations NUSI/CAC Betty Lavoie, Executive Director 5 Lemnah Drive, St. Albans, VT 05478 (802) 524-7961 betty.lavoie@partner.vermont.gov	Lamoille County Special Investigation Unit/CAC Tracy Patnoe, Executive Director P.O. Box 16, Hyde Park, VT 05655 (802) 851-8116 tpatnoe@lamoillesiu.org

Orange County	**Orleans and Northern Essex Counties**	**Rutland County**
Orange County SIU/CAC Wendy Loomis Interim Executive Director 354 VT Route 110 PO Box 254 Chelsea, VT 05038 (802)685-4712 Wendy.Loomis@partner.vermont.gov	The Orleans County Child Advocacy Center/SIU Ryan Bjerke, Executive Director 55 Seymour Lane, Suite 2 PO Box 1133 Newport, VT 05855 (802)334-6002 Ryan.Bjerke@partner.vermont.gov	Child First Advocacy Center/Rutland Unit for Special Investigations Wendy Loomis, Executive Director 80 West Street, Ste 203, P.O. Box 6822, Rutland, VT 05702 (802) 747-0200 Wendy.loomis@partner.vermont.gov
Washington County	**Windham County**	**Windsor County**
OUR House of Central Vermont, Inc. CAC/SIU Rebecca Duranleau, Executive Director 38 Summer Street, Barre, Vermont 05641 802-476-8825 ourhousebarredirector@gmail.com **FOR INTAKES** WashingtonCountySIU@gmail.com	Windham County Safe Place CAC/ SUS Samantha Prince, Executive Director 112 Hardwood Way Brattleboro, VT 05301 (802) 579-1358 Samantha.Prince@partner.vermont.gov	The CACs of the Family Place/ Windsor County SIU Julie Gaudette, Director 319 US Route 5, South, Norwich, VT 05055 (802) 295-3882 Julie.gaudette@partner.vermont.gov

CCV may report incidents that occur at a CCV center and could be criminal in nature to local law enforcement for investigation. CCV is committed to working with and facilitating investigations in a timely and effective manner. CCV encourages anyone who is a victim or witness to any crime to report the incident promptly and accurately to the police. CCV also encourages the accurate and prompt reporting of all crimes to the appropriate law enforcement agencies when the victim is unable to make such a report. Accurate and prompt reporting of all criminal incidents and emergencies, as well as bias-motivated incidents, is the responsibility of all CCV community members.

FOR EMERGENCIES – DIAL 911.

To report any incident of a criminal nature or an emergency, contact the local police at 911 or at the following numbers:

CCV Center	Police Department Address			Phone
Bennington	118 South Street	Bennington	05201	802-442-1030
Brattleboro	62 Black Mountain Road., Ste 101	Brattleboro	05301	802-257-7946
Middlebury	1 Lucius Shaw Lane	Middlebury	05753	802-388-3191
Montpelier	City Hall, 1 Pitkin Court	Montpelier	05602	802-223-3445

Newport	222 Main Street	Newport	05855	802-334-6733
Rutland	108 Wales Street	Rutland	05701	802-773-1816
St. Albans	142 South Main St.	St. Albans	05478	802-524-2166
St. Johnsbury	1187 Main Street, Ste 1	St. Johnsbury	05819	802-748-2314
Upper Valley	812 V.A. Cutoff Road, Ste 2	White River Jct.	05001	802-295-9425
Winooski	27 West Allen Street	Winooski	05404	802-655-0221

To report any incident of a criminal nature (including domestic violence, dating violence, sexual assault, and stalking) or an emergency, contact any CCV front desk staff or President's Council member. **When using an office phone dialing 8 before the phone number will reach an outside line faster.**

Academic Centers – Contact Information

Bennington	802-447-2361
Brattleboro	802-254-6370
Middlebury	802-388-3032
Montpelier	802-828-4060
Newport	802-334-3387
Rutland	802-786-6996
St. Albans	802-524-6541
St. Johnsbury	802-748-6673
Upper Valley	802-295-8822
Winooski	802-654-0505

President's Council

Member	Office/Academic Center	Office Phone #
Joyce Judy	Montpelier	802-828-2800
Nicole Mace	Winooski/Montpelier	802-861-1044
Katie Mobley	Winooski	802-654-0531
Mary Brodsky	Winooski/Montpelier	802-654-0527
Heather Weinstein	Montpelier	802-828-3010

Kim Martin	Bennington, Brattleboro, and Rutland	802-861-6953
Marianne DiMascio	Bennington, Winooski, St. Albans and Middlebury	802-654-0510
Gretchen DeHart	Montpelier, St Johnsbury, Newport and Upper Valley	802-888-4062
Tiffany Walker	Rutland	802-786-0011
Ryan Dulude	Winooski	802-654-0515
Candace Lewis	St. Albans	802-527-5511

Voluntary Confidential Reporting

If you are the victim of a crime, but do not wish to pursue a criminal complaint or internal administrative action, you may consider making a confidential report. With your permission, your academic advisor or your center's senior director can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to address the safety of yourself and others. If applicable, confidential reports are counted and disclosed in the annual crime statistics for CCV, without disclosing the reporter's personally identifiable information.

Professional Counselors

CCV does not offer counseling services; however, an individual may seek support and use the resources listed below. Confidential community resources will not share information with the College unless there is an imminent threat to self or others.

Counseling Services Available in Vermont

Vermont Center for Crime Victim Services: Sexual Assault

VT Sexual Violence Hotline
800-489-7273

VT Domestic Violence Hotline
800-228-7395

VT Network Against Domestic & Sexual Violence

Additional resources (local, state, and national) can be found here. Further information about college safety and security may be obtained by calling Nicole Mace, Dean of Administration, at 802-828-2800 or Linda Lawrence, Director of Operations & Facilities at 802-654-0650.

Security and Access

The Community College of Vermont owns, leases and maintains its academic centers for the primary purpose of meeting its mission of teaching and learning. During their hours of operation, CCV's facilities will be open to students, employees, guests and invitees. During non-operation hours, doors will be locked. Individuals with administrative responsibility for each academic center will have access to the centers after hours.

Timely Warnings

CCV provides for the issuance of timely warnings by hosting the RAVE Alert Emergency Notification System. All students, faculty and staff are automatically enrolled to receive RAVE alerts for their home location unless they choose to opt-out. The decision to issue a timely warning will be made on a case-by-case basis through consultation with local law enforcement, CCV's dean of administration, CCV's dean of students, CCV executive directors, or other appropriate College personnel. In most instances, the dean of administration or the Director of Operations & Facilities will issue the alert.

Emergency Response and Evacuation Procedures

CCV will immediately notify the CCV community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students or employees occurring on any (or all) of CCV's academic locations. An immediate threat includes an imminent or impending threat such as a fire raging in a building, the approach of an extreme weather event (such as a hurricane), earthquake, gas leak, terrorist incident, armed intruder, bomb threat, explosion, civil unrest or rioting, nearby chemical or hazardous waste spill, or an outbreak of meningitis, norovirus, or other serious illness. A power outage, snow closure, or string of thefts, for example, would not necessitate an emergency response.

In the event of an emergency that threatens one or more CCV locations, a warning will be sent to the CCV community, advising them of the threat by means of a RAVE alert. All current students, faculty and staff are automatically enrolled to receive RAVE alerts unless they specifically choose to NOT receive them. RAVE provides broad-based or targeted communication notifications to students, staff and faculty on mobile phones, email and land lines. Additional information will also be posted on the CCV website and/or portal.

Each CCV academic center prepares for and drills twice per year for emergency evacuations and intruder alerts. Procedures are posted in classrooms, common areas, and are available from the front desk at each academic center. Drills are routinely coordinated with local emergency response teams to ensure that procedures are appropriate and to promote a cooperative relationship between the college and local emergency response teams. The Assistant Operations Manager keeps a log of completed drills, which notes any irregularities that may have occurred.

When CCV has confirmed that a significant emergency or dangerous situation exists, the College considers the safety of the campus community, determines what information to release about the situation, and begins the notification process. The names and identifying information of victims are typically withheld from warnings. CCV will not issue a notification for a confirmed emergency or dangerous situation if doing so will compromise efforts to assist a victim, contain the emergency, respond to the emergency, or otherwise mitigate the emergency. For example, a notification might not be released at the request of local law enforcement or fire department officials.

CCV's Emergency Management Team is comprised of the following individuals who are responsible for receiving information relating to incidents and situations, evaluating, and confirming the level of emergency or threat to the college and managing the notification process. Joyce Judy, President; Nicole Mace, Dean of Administration; Katie Mobley, Dean of Enrollment and Community Relations; and Linda Lawrence, Director of Operations & Facilities. This team may be supplemented and supported by other college individuals depending upon the particular circumstances of the incident, such as CCV's marketing and communications team who coordinate and manage internal and external communications.

For additional information, see CCV Emergency Reference Guide.

Substance Use and Misuse

POLICY

Community College of Vermont (CCV) intends to maintain a positive working and learning environment in its academic centers, classrooms, and at its related events.

CCV enforces a strict substance use policy to maintain a healthy and productive environment for staff, students, and faculty members. Specifically, CCV:

1. Prohibits the use of illicit drugs and controlled substances, including cannabis products, which, despite varying legal statuses at the state level, remain prohibited under federal law and are thus considered illicit within the scope of this policy.
2. Prohibits prescription misuse.
3. Bans tobacco products and related devices. In accordance with VSC policy 314, tobacco use is prohibited in all CCV academic centers. Tobacco use is defined as the burning, lighting or use of a tobacco product and any other smoking or vaping device that includes, but is not limited to cigarettes, cigars, electronic cigarettes (e-cigarettes), and pipes.
4. Disallows any substance that could impair healthy academic or professional interactions.

The possession, use, or distribution of prohibited substances is strictly prohibited at the College, including all CCV properties and during any CCV classes, events, and meetings. This policy applies to both in-person and digital formats, ensuring a consistent standard of conduct is maintained across all college-related activities.

PROCEDURES

1. Any persons suspected of possessing, using, or distributing substances prohibited under this policy at the College or College-related events may be questioned immediately by a supervisor or other appropriate college official.
2. Persons whose behavior violates this policy may be subject to the provisions of either the Student Code of Conduct Policy and Procedures, the VSCS Non-Bargaining Unit Personnel Handbook, or the CCV United Faculty Agreement. Substance Use and Misuse Policy
    a. Anyone who possesses, uses, or distributes substances prohibited under this policy at the College or College-related events may be dismissed from employment, other contractual or professional responsibilities, or academic programs.
    b. Anyone in violation of the College's alcohol policy will be subject to an investigation under the "Responding to Imminent and/or Serious Incidents" provisions of the Student Code of Conduct Policy. The College may notify the appropriate authorities if anyone under 21 years of age is found to be procuring, possessing, or consuming alcohol illegally under the provisions of Title 2, Vermont State Statutes Annotated, Chapter 21.
    c. Violations of the College's Substance Use and Misuse policy or of State or Federal law will likely result in disciplinary action and/or criminal charges. Any student found to be in possession of any drug declared illegal under the provisions of Title 18, Vermont State Statutes Annotated, Chapter 84, or in possession of any associated paraphernalia, may be

subject to investigation under the CCV Student Code of Conduct policy and procedures.

3. The College will make available educational materials and programs related to alcohol and substance use and abuse, including referral information on counseling and rehabilitation.
4. Alcohol may not be served or consumed at CCV academic centers or in its learning environments, including in-person, remote, and digital classrooms.
    a. In rare instances, exceptions to serving alcohol may be made. Alcohol may not be present or provided without the expressed written permission of the senior director and the president.
    b. At appropriate off-site CCV functions, alcohol may be served if it is legally permitted and where non-alcoholic beverages are also available.
    c. Alcohol may not be paid for by the College, under any circumstances.
5. The Anti-Drug Abuse Act of 1988 requires that employees convicted of illicit drug use in the work place report such convictions to their employer within five (5) days; the College must then report such convictions to the appropriate federal agency within ten days.
6. Under federal regulations, a student convicted of a drug related felony or misdemeanor that took place while the student was receiving Federal Student Aid, may become ineligible to receive further aid for a specified period of time upon conviction. Federal Student Aid includes grants, loans, and work assistance otherwise provided to eligible college students under Title IV of the Higher Education Act.

A copy of CCV's Substance Use and Misuse Policy is available here.

VSC Hazing Policy

I. POLICY STATEMENT

It is the policy of the Vermont State Colleges (VSC) that no member of the VSC community may participate or be involved in hazing. A student or employee will be subject to disciplinary action for: (1) engaging in hazing; (2) soliciting, directing, aiding or abetting, or attempting to aid or abet another person engaged in hazing; and (3) knowingly failing to take reasonable measures within the scope of the person's authority to prevent hazing. It is not a valid defense against charges of hazing that the student against whom the hazing was directed consented to or acquiesced in the hazing activity.

II. DEFINITION

"Hazing" means any act committed by a person, whether individually or in concert with others, against a student in connection with pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization which is affiliated with the Vermont State Colleges or any member College thereof; and which is intended to have the effect of, or should reasonably be expected to have the effect of, humiliating, intimidating or demeaning the student or endangering the mental or physical health of a student. Hazing also includes soliciting, directing, aiding, or otherwise participating actively or passively in the above acts. Hazing occurs regardless of the consent or willingness of a person to participate in the activity. Hazing may occur on or off the campus of a member College of the Vermont State Colleges. Hazing shall not include any activity or conduct that furthers legitimate curricular, extracurricular, or military training program goals, provided

that:

(1) the goals are approved by the member College; and
(2) the activity or conduct furthers the goals in a manner that is appropriate, contemplated by the member College, and normal and customary for similar programs at other educational institutions.

"Organization" means an athletic team, association, corporation, order, society, corps, cooperative, club, or other similar group, whose members primarily are students at a member College, and which is affiliated with the College.

"Pledging" means any action or activity related to becoming a member of an organization.

"Student" means any person who:
(A) is registered in or in attendance at a member College;
(B) has been accepted for admission at a member College where the hazing incident occurs; or
(C) intends to attend a member College during any of its regular sessions after an official academic break.

III. INTERPRETATION OF POLICY

This policy is to be interpreted consistent with Vermont law.

IV. REPORTS OF HAZING; ADMINISTRATIVE RESPONSE; SANCTIONS

(1) Reports of Hazing. Member College employees are required to report possible hazing incidents in a prompt and effective manner. Students and other members of the VSC community are strongly encouraged to report possible hazing incidents. All reports of hazing should first be directed to the member College Dean of Students, or his or her equivalent, or, in the absence of the Dean, to the public safety or security office. Where the public safety or security office is notified in the absence of the Dean, the office shall notify the Dean at its earliest convenience. An investigation shall be initiated immediately and, if the report is substantiated, the Dean shall take necessary steps to stop the hazing. If the Dean or the public safety or security office believes a crime may have been or is about to be committed, and such reporting is consistent with state and federal law regarding confidentiality of student information, a report also shall be made to state or local law enforcement agencies.

(2) Administrative Response. If after completion of the investigation the Dean concludes a violation of this policy has occurred, the student or employee discipline process, as the case may be, shall be initiated.

(3) Sanctions. Students may face discipline up to and including expulsion for hazing. Employees may face discipline up to and including dismissal for hazing. Organizations found to have knowingly permitted, authorized, or condoned hazing may face sanctions up to and including suspension or revocation.

V. DISTRIBUTION OF POLICY SUMMARY

A summary of this policy shall be placed in the Student Handbook of each member College that is distributed to students.

Legal Authority: 16 V.S.A. §2182(b)

Legal References: 16 V.S.A. §11(a)(30) (Definition) 16 V.S.A. §140a-140d (Civil Penalties)

Cross References: Collective Bargaining Agreements

Date Adopted by Trustees: 6/1/06

A copy of the VSC Hazing Policy can be found here.

CCV Hazing Policy

POLICY

The Community College of Vermont (CCV) is committed to maintaining a safe, respectful, and inclusive learning environment. Hazing undermines individual well-being and violates the values of our academic community. It is strictly prohibited.

In accordance with VSC Policy 313, Vermont Law 16 V.S.A. §11(a)(30), and the federal Stop Campus Hazing Act (Public Law 118-173; 20 U.S.C. 1092(f)), CCV prohibits any form of hazing, regardless of an individual's willingness to participate.

Hazing means any intentional, knowing, or reckless act committed by a person, whether individually or in concert with others, against another person or persons, in connection with initiation into, affiliation with, or maintenance of membership in a student organization affiliated with CCV, that causes or creates a risk, beyond the ordinary risks of participation in the organization or institution, of physical or psychological injury. Hazing includes, but is not limited to:

1. Whipping, beating, striking, electronic shocking, placing harmful substances on a person's body, or similar activity;
2. Causing, coercing, or inducing sleep deprivation, exposure to the elements, confinement, or extreme physical activity;
3. Causing, coercing, or inducing another to consume food, liquid, alcohol, drugs, or other substances;
4. Causing, coercing, or inducing another to perform sexual acts;
5. Engaging in activity that places another person in reasonable fear of bodily harm through threatening words or conduct;
6. Engaging in activity that constitutes a criminal offense under local, state, Tribal, or federal law;
7. Inducing another to perform tasks that violate the law. See also: VSC Policy 313 Student Code of Conduct Policy and Procedures

PROCEDURES 1.

1. Allegations of hazing will be addressed through the Student Code of Conduct Policy and Procedures.
2. Reports of hazing may be submitted through the College's Code of Conduct Incident Report Form.
3. Beginning January 1, 2025, the College will collect and retain all hazing reports for inclusion in the Clery Act Annual Security Report.
4. CCV will publish a Campus Hazing Transparency Report twice annually for each confirmed finding of hazing involving an officially recognized student organization. Each report will include:
    a. The name of the student organization;
    b. A general description of the incident;
    c. The date of the incident;
    d. The timeline of the investigation;
    e. Confirmation that notice of findings was provided to the organization. Reports will exclude any personally identifying information and will remain publicly available on the College's website for five years.

PREVENTION AND EDUCATION In accordance with the federal Stop Campus Hazing Act, CCV provides hazing prevention and awareness programming to all members of the College community. All students, faculty, and staff will receive information about hazing definitions, reporting options, and bystander intervention through an online educational module.

CCV encourages all students to play an active role in promoting a campus culture of respect, accountability, and care.

A copy of CCV's Hazing Policy is available here.

Sexual Harassment / Sexual Assault / Title IX Polices

The Community College of Vermont adheres to the policies of the Vermont State Colleges (VSC) system, which state:

The VSC is committed to maintaining an educational and working environment free from all forms of discrimination and harassment including sexual harassment, sexual assault and misconduct, dating violence, and stalking. Such misconduct will not be tolerated.

All allegations will be investigated promptly and thoroughly, and both the accuser and the accused will be afforded equal rights during the investigatory and adjudicatory process.

Disciplinary sanctions for any member of the VSC community engaging in this conduct can include reprimands and educational sanctions, suspension or expulsion of students, the suspension or termination of employees as well as possible referral for criminal investigation and prosecution under Vermont law.

To learn more about system policies; reporting and/or responding to reports of abuse, rape, harassment, or assault; who to talk to on your campus if you are a survivor or want to support a survivor of sexual assault; and more, visit the Vermont State Colleges System's RESOLVE website here http://resolve.vsc.edu.

To initiate a complaint under Policy 311 or 311-A, or for further information, contact:

CCV's Title IX Coordinator
Angela Albeck
Associate Dean of Students
1 Abenaki Way
Winooski, VT 05404
Angela.Albeck@ccv.edu
802-654-0690

POLICY 311: Prevention of Discrimination

Number: 311 Date: 6/14/2025

"VSC" refers collectively to the Vermont State Colleges and the two individual member institutions, Community College of Vermont and Vermont State University. Therefore, the following policy applies to CCV.

PREVENTION OF DISCRIMINATION	Number 311	Page 1 of 13
	Date **6/14/25**	

I. NOTICE OF NONDISCRIMINATION

The Vermont State Colleges and its Member Institutions prohibit discrimination and harassment on the basis of a person's race, color, ancestry, ethnicity, national origin, place of birth, sex, sexual orientation, gender identity, pregnancy or related conditions, parental status, creed, religion, crime victim status, disability, age, veteran status, marital status, genetic information, positive HIV-related blood test results, physical or mental condition, or any other status protected by state or federal law, pursuant to Title IX of the Education Amendments, the Equal Pay Act, the Age Discrimination in Employment Act, the Older Workers Benefit Protection Act, Section 504 of the Rehabilitation Act, the Vietnam Era Veterans Readjustment Assistance Act, the Uniformed Services Employment and Reemployment Rights Act, Title VI and Title VII of the Civil Rights Act, Title IV of the Higher Education Act, the Genetic Information Nondiscrimination Act, the Americans with Disabilities Act, Vermont's State Employees Labor Relations Act, Vermont's Public Accommodations Act, Vermont's statutory provisions on harassment applicable to postsecondary schools, Vermont's statutory provisions relating to HIV-discrimination and testing, Vermont's Fair Employment Practices Act, and any other applicable state or federal non-discrimination and harassment prevention law, regulation, or policy.[1]

As a recipient of federal funds, the Vermont State Colleges and each Member Institution of the Vermont State Colleges is required to comply with Title IX of the Education Amendments of 1972 ("Title IX"). In accordance with Title IX, as well as other applicable state and federal law, the VSC and its Member Institutions prohibit discrimination on the basis of sex, pregnancy or related conditions, and parental status, in its education programs and activities, admission, and employment. Sexual harassment, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX. Title IX also prohibits gender-based harassment, which may include acts of verbal, non-verbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve acts of a sexual nature.

Inquiries concerning the application of Title IX may be referred to the VSC's Title IX Coordinators or to the United States Department of Education for the Office of Civil Rights. Inquiries concerning

[1] In the event the applicable laws change, the Board of Trustees ("the Board") recognizes the VSC Chancellor's authority to comply through revised Procedures until the Board has an opportunity to revise the relevant Policy.

discrimination on the basis of other protected categories may be referred to the VSC's Policy 311 Coordinators, the Vermont Human Rights Commission, the Vermont Attorney General's Office – Civil Rights Unit, or to the Equal Employment Opportunity Commission. Contact information for the Coordinators is located in Appendix A and contact information for these state and federal agencies is located in Appendix C to the *Chancellor's Procedures for Implementation of Policy 311: Prevention of Discrimination*

II. POLICY STATEMENT

The Vermont State Colleges and its Member Institutions (collectively the "VSC") are committed to maintaining an educational and working environment free from discrimination, harassment and related unprofessional conduct. The VSC prohibits discrimination on the basis of a person's race, color, ancestry, ethnicity, national origin, place of birth, sex, sexual orientation, gender identity, pregnancy or related conditions, parental status, creed, religion, crime victim status, disability, age, veteran status, marital status, genetic information, positive HIV-related blood test results, physical or mental condition, or any other status protected by state or federal law (collectively "protected categories"). Sexual harassment, racial harassment, and harassment based upon a person's status in a protected category are forms of discrimination and will not be tolerated. In addition, inappropriate sexual relationships between VSC employees and students, including those that may not otherwise rise to the level of sexual harassment, are prohibited.

III. POLICY COVERAGE

In accordance with Title IX, as well as applicable state and federal law, neither the VSC nor any Member Institution shall discriminate on the basis of the above-listed protected categories in the application processes for admissions or employment, in academic and residential programs, in employment policies and practices, in scholarship and loan programs, in athletic programs, or in any other academic, extra-curricular or VSC-sponsored programs, activities, or facilities. The prohibitions set forth in this Policy also apply to all members of the VSC community, including students, employees, and third parties who come on to campus (such as parents, visitors, independent contractors, and vendors). This Policy covers conduct that occurs off-campus, or through the use of online, electronic or digital technologies, and that has a reasonable nexus to any VSC education program or activity, for example by creating a hostile environment on campus or representing a threat to the safety of members of the VSC community or to the continuance of normal VSC operations.[2]

IV. POLICY INTENT AND OVERVIEW

This Policy is intended to be read consistently with, and unless otherwise expressly stated, no broader than, Vermont and federal non-discrimination and harassment prevention laws, regulations and policies.

[2] Policy 311 and the Chancellor's Implementing Procedures apply to reports of sexual harassment that do not fall within the scope of Title IX Sexual Harassment or Non-Title IX Prohibited Conduct as defined in Policy 311-A and the accompanying Chancellor's Procedures for Implementation of Policy 311-A.

Laws prohibiting discrimination and harassment are many and varied at both the state and federal level and apply with some differing standards and consequences to employees, students and visitors. Because harassment is a form of discrimination, it is the intent of the VSC to address all prohibitions related to non-discrimination and prevention of harassment under one comprehensive policy for ease of access and use, consistent with federal law. Certain acts of sexual harassment (including, but not limited to, sexual assault and sexual exploitation), domestic violence, dating violence, and stalking are addressed separately in VSC Policy 311-A, *Prevention of Sexual Misconduct*. Sexually harassing behavior that is deemed to meet the definitions of Title IX Sexual Harassment or Non-Title IX Prohibited Conduct under Policy 311-A and the accompanying Chancellor's Procedures for Implementation of Policy 311-A must be addressed under Policy 311-A.

V. DEFINITIONS

For the purposes of this Policy, unless the context clearly requires otherwise, the following definitions apply. The specific definitions contained in an employee benefit plan will control with respect to any claim arising out of that plan.

A. Discrimination

"Discrimination" means the unlawful refusal of, withholding from, exclusion from participation in, or denial of any accommodations, advantages, benefits, facilities, privileges, or services of the VSC or its Member Institutions on the basis of a person's race, color, ancestry, ethnicity, national origin, place of birth, sex, sexual orientation, gender identity, pregnancy or related conditions, parental status, creed, religion, crime victim status, disability, age, veteran status, marital status, genetic information, positive HIV-related blood test results, physical or mental condition, or any other status protected by state or federal law; and the unlawful denial of pay on the basis of race, national origin, sexual orientation, gender identity, and disability, or any other status protected by state or federal law.

B. Harassment

Under Vermont law, "harassment" means an incident or incidents of verbal, written, visual, or physical conduct or communication, including any incident conducted by electronic means, based on or motivated by a person's or person's family member's, actual or perceived race, color, ancestry, ethnicity, national origin, place of birth, sex, sexual orientation, gender identity, pregnancy or related conditions, parental status, creed, religion, crime victim status, disability, age, veteran status, marital status, genetic information, HIV-positive blood test results, physical or mental condition or any other status protected by state or federal law that has the purpose or effect of objectively and substantially undermining and detracting from or interfering with a student's educational performance or access to school resources or the effect of objectively undermining and detracting from or interfering with an employee's work, or creating an objectively intimidating, hostile, or offensive environment.

Harassment includes the use of epithets, stereotypes, slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, and taunts on manner of speech and negative references to customs related to any of the protected categories.

C. Sexual Harassment

"Sexual harassment" is unwelcome conduct of a sexual nature and it includes *quid pro quo* sexual harassment and hostile environment sexual harassment. Sexual harassment includes physical conduct of a sexual nature, such as sexual assault or other acts of sexual violence. Sexual harassment under Title IX, including sexual assault, is addressed separately in VSC Policy 311-A, Prevention of *Sexual Misconduct.* Where conduct is not deemed to meet the definitions of Title IX Sexual Harassment or Non-Title IX Prohibited Conduct under Policy 311-A, the following definitions apply:

- *"Quid pro quo* sexual harassment" generally involves a person in a position of power (such as a supervisor over an employee or a faculty member over a student) pressuring a subordinate employee or a student for sexual favors in exchange for an advancement in the workplace or academically, or under the threat of an adverse employment or academic action being taken. *Quid pro quo* sexual harassment includes situations where, for example, a student or employee is rewarded with a higher grade, a stronger evaluation, or an opportunity for advancement for granting a request for sexual favors or is punished with a lower grade, a less favorable evaluation, or denial of an educational or workplace opportunity for refusing to grant a request for sexual favors. In either case, a person uses the position of power as leverage to pressure another person into complying with a request for sexual favors.

- "Non-employee hostile environment sexual harassment" is sexual harassment of a person who is not an employee that creates a hostile educational environment and it is a form of sex discrimination. Examples of sexually harassing behavior that could create a hostile environment under appropriate circumstances include the following where the particular behavior is unwelcome to the person to whom it is directed:
  - Sexual advances, including requests for sexual favors and repeated requests for dates;
  - Intentional unwanted or offensive touching, including fondling;
  - Indecent exposure;
  - Sexually-derogatory comments, including sexually explicit comments, sexually suggestive innuendoes, sexually offensive jokes, and sexual taunts;
  - Obscene or offensive gestures;

- Images and depictions of a sexual nature, including sexually derogatory or sexually suggestive pin-ups, posters, cartoons, and calendars; and
- Writings of a sexually derogatory or suggestive nature.

This list is not exhaustive and other unwelcome behavior of a sexual nature, if it is severe and pervasive enough, may constitute sexual harassment. *See* Section E, Hostile Environment, below for further elaboration.

- "Employee hostile environment sexual harassment" is sexual harassment of an employee that meets the above definition of "non-employee hostile environment sexual harassment" above except that the unwelcome behavior of a sexual nature creates a hostile employment environment and it need not be severe or pervasive in order to constitute sexual harassment.

Conduct is "**unwelcome**" if the person subjected to the alleged sexually harassing behavior did not request or invite it and regards the conduct as undesirable or offensive. The fact that a person willingly participated in conduct on one occasion does not prevent that person from indicating that the same or similar conduct has become unwelcome on a subsequent occasion.

Sexual harassment may be committed by a stranger, an acquaintance, a colleague, a co-worker, a student, or someone with whom the subject of the harassment has a social, romantic or intimate relationship. Sexual harassment may be committed by or against any individual, regardless of gender, sexual orientation, or gender identity.

1. Sexual Harassment of a Student

Under Vermont law, "sexual harassment of a student" means:

(a) An incident or incidents of verbal, written, visual, or physical conduct or communication, including any incident conducted by electronic means, based on or motivated by the student's sex, that has the purpose or effect of objectively and substantially undermining and detracting from or interfering with a student's educational performance or access to school resources or creating an objectively intimidating, hostile, or offensive environment; or

(b) Unwelcome sexual advances, requests for sexual favors and other verbal, written, visual, or physical conduct of a sexual nature when one or both of the following occur:

(1) Submission to that conduct is made either explicitly or implicitly a term or condition of a student's education.

(2) Submission to or rejection of such conduct by a student is used as a component of the basis for decisions affecting that student.

2. Sexual Harassment of an Employee

Under Vermont law, "sexual harassment of an employee" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(a) Submission to that conduct is made either explicitly or implicitly a term or condition of employment; or

(b) Submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; or

(c) The conduct has the purpose or effect of objectively interfering with an individual's work or creating an objectively intimidating, hostile or offensive work environment.

D. Related Unprofessional Conduct

"Related unprofessional conduct" on the part of a VSC employee means the initiation of or participation in an amorous or sexual relationship with a VSC student when the employee is, or may reasonably be perceived to be, in a position of power and authority over the student, even if the conduct does not otherwise constitute sexual harassment. Examples include, but are not limited to, situations where the VSC employee is an administrator, instructor, coach, advisor, work study supervisor or counselor for the student, or a member of a committee having responsibility for decisions that affect students.

E. Hostile Environment Due to Protected Status

● A "non-employee hostile educational environment" is one in which the alleged discriminatory conduct is sufficiently serious as to limit or deny the ability of the person subjected to the harassment to participate in or benefit from the educational environment. The severity and pervasiveness of the alleged harassing conduct is evaluated using common sense and reasonable judgment to determine whether it created an intimidating, hostile or offensive environment. The determination is made from the perspective of a reasonable person, in the position of the person subjected to the alleged harassment, considering all of the relevant circumstances. Factors that may be considered include:

- The degree to which the conduct affected the student's education;
- The type(s) of harassment (for example, whether it was verbal and/or physical);
- The frequency and duration of the harassing conduct;

- The identity of, and relationship between, the alleged harasser and the subject of the harassment;
- The number of individuals engaged in the harassing conduct (for example, a group of students targeting a single student); and
- The setting(s) and context(s) in which the harassing conduct occurred.

Generally, the more severe the conduct, the less need there is to show a repetitive series of incidents to establish a hostile environment, particularly if the harassment was physical. Harassing conduct may violate this Policy if, for multiple instances of conduct, it is so pervasive that when viewed from an objective standard of a similarly-situated reasonable person, it substantially and adversely affected the targeted student's educational opportunities or benefits. A single incident of harassing conduct may violate this Policy if the conduct is so severe that, when viewed from an objective standard of a similarly-situated reasonable person, it substantially and adversely affected the targeted student's equal access to educational opportunities or benefits.

● An "employee hostile work environment" is one in which the alleged discriminatory conduct is sufficiently serious as to limit or deny the ability of the employee subjected to the harassment to participate in or benefit from the employment environment. The seriousness of the alleged harassing conduct is evaluated using common sense and reasonable judgment to determine whether it created an intimidating, hostile or offensive environment. The determination is made from the perspective of a reasonable person, in the position of the person subjected to the alleged harassment, considering all of the relevant circumstances. Factors that may be considered include:

- The degree to which the conduct affected the employee's work;
- The type(s) of harassment (for example, whether it was verbal and/or physical);
- The frequency and duration of the harassing conduct;
- The identity of, and relationship between, the alleged harasser and the subject of the harassment;
- The number of individuals engaged in the harassing conduct (for example, a group of employees targeting a single employee); and
- The setting(s) and context(s) in which the harassing conduct occurred.

Harassing conduct may violate this Policy if, it is sufficiently serious that when viewed from an objective standard of a similarly-situated reasonable person, it adversely affected the targeted employee's employment opportunities or benefits. Behavior that a reasonable employee with the same protected characteristic would consider to be a petty slight or trivial inconvenience shall not constitute unlawful harassment or discrimination.

F. Retaliation

"Retaliation" against any person for reporting a violation of this Policy, for filing a complaint pursuant to this Policy, or for cooperating in an investigation under this Policy includes, but is not limited to: (1) pressuring a person to drop or not support a complaint; (2) encouraging a person to provide false or

misleading information; (3) engaging in conduct that may reasonably be perceived to affect adversely that person's educational, living or work environment; (4) threatening, intimidating or coercing the person; or (5) otherwise discriminating against any person for exercising their rights and responsibilities under this Policy.

VI. FREEDOM OF SPEECH

The VSC recognizes that the protection of free and open speech and the open exchange of ideas are essential to any academic or artistic community, and crucial for the activity of scholars and artists. The VSC also recognizes its obligation under policy and collective bargaining agreements to respect the academic freedom of faculty members. This Policy is meant neither to proscribe nor to inhibit discussions, in or out of the classroom, of complex, controversial, or sensitive matters, including race, color, ancestry, ethnicity, national origin, place of birth, sex, sexual orientation, gender identity, pregnancy or related conditions, parental status, creed, religion, crime victim status, disability, age, veteran status, marital status, genetic information, physical or mental condition, or HIV-positive status, when in the judgment of a reasonable person such discussions arise appropriately and with respect for the dignity of others. The VSC is a community of learners and as such recognizes and affirms that free, honest intellectual inquiry, debate, and constructive dialogue are vital to the academic mission of the VSC and must be protected even when the views expressed are unpopular or controversial.

The VSC 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 freedom of speech or to seek redress when appropriate.

VII. PROHIBITIONS

A. Discrimination and Harassment

All members of the VSC community are expressly prohibited from:

(1) Discriminating against a student or employee on the basis of a protected category;
(2) Harassing a student or employee on the basis of a protected category; or
(3) Sexually harassing a student or employee.

B. Related Unprofessional Conduct

Employees of the VSC are expressly prohibited from engaging in related unprofessional conduct with students.

C. HIV-related Blood Test

Under Vermont law, it is unlawful for the VSC or any Member Institution to request or require any applicant, prospective student, or current student to have an HIV-related blood test or to discriminate against an applicant, prospective student, or current student on the basis of a person's having a positive test result from an HIV-related blood test.

Under Vermont law, it is unlawful for employers and labor organizations to discriminate against, indicate a preference or limitation, refuse properly to classify or refer, or to limit or segregate membership on the basis of a person's having a positive test result from an HIV-related blood test or to require an applicant, prospective employee, employee, prospective member, or member to have an HIV-related blood test as a condition of employment or membership, classification, placement, or referral.

D. Retaliation

Retaliation against any person for reporting a violation of this Policy, filing a complaint, or cooperating with an investigation into an alleged violation of this Policy is prohibited and will be considered a violation of this Policy. Retaliation under this Policy may be found whether or not the underlying complaint is ultimately found to have merit. A complaint of retaliation should be reported, and will be investigated and adjudicated, using the procedures implementing this Policy.

E. False Information

Providing false information in connection with a complaint under this Policy or intentionally misleading officials in the investigation or resolution of such a complaint is prohibited and may result in disciplinary action.

VIII. DUTY TO COOPERATE

All students and employees have a duty to cooperate in investigations undertaken pursuant to this Policy and are expected to provide complete, accurate, and truthful information. They may be asked to sign statements or other documents memorializing the information they provide, and may be asked to keep the substance of any interview confidential, to the extent permitted by law. Failure to cooperate fully with an investigation may subject the individual to the full range of disciplinary actions, up to and including expulsion or termination.

All actions taken to investigate and resolve complaints through this procedure shall be conducted with as much privacy, discretion and confidentiality as possible without compromising the thoroughness and fairness of the investigation. All persons involved are expected to treat the situation under investigation with respect. To conduct a thorough investigation, the investigator(s) may discuss the complaint with witnesses and those persons involved in or affected by the complaint, and those persons necessary to assist in the investigation or to implement appropriate disciplinary actions. Nothing herein shall be deemed to limit the procedural rights of unionized and other employees with regard to such investigations.

IX. SANCTIONS

Violation of the prohibitions set forth in this Policy is grounds for discipline up to and including the dismissal/expulsion of students or the termination of employees. Generally, the range of sanctions for **students** includes verbal and written warnings, written reprimands, counseling, loss of privileges, probationary status, removal from campus housing, suspension, dismissal/expulsion, revocation of degree, and/or withholding of transcript or other action determined to be appropriate under the circumstances. Generally, the range of sanctions for **employees** includes verbal warnings, written warnings, written reprimands, probation, suspension, termination of employment, non-renewal of a contract, or other action determined to be appropriate under the circumstances.

The VSC may also impose certain non-disciplinary remedial actions where appropriate, such as required counseling or training for the respondent and/or a group of students or employees, to stop the misconduct, prevent its recurrence, and remedy its effects. Additional non-disciplinary outcomes, such as extending and modifying no contact orders, room changes, class changes, work schedule changes, building restrictions, and extracurricular activity restrictions may also be imposed, regardless of the finding, to maintain an environment free from discrimination and harassment.

Conduct that violates this Policy may also be unlawful and expose a person engaging in such conduct to civil and/or criminal sanctions.

Misconduct that does not violate this Policy may violate other VSC policies, student handbooks, codes of conduct, or collective bargaining agreements and, if so, shall be handled as set forth in such other documents.

X. PROCEDURES

The Chancellor shall establish and periodically update the procedures for handling complaints alleging violations of this Policy and for developing educational programs designed to prevent such conduct. Such procedures shall be consistent with Vermont and federal legal requirements, other VSC policies, and any collective bargaining agreements governing the rights and responsibilities of the VSC, its Member Institutions and employees. The procedures shall ensure that the VSC and any Member Institution , upon receiving notice of conduct that allegedly violates this Policy, promptly and impartially investigates such complaints and, where complaints are substantiated, takes prompt and appropriate remedial action reasonably calculated to stop the misconduct, prevent its recurrence, and remedy its effects, if necessary.

The procedures established by the Chancellor may be modified as necessary to comply with federal and state law and to ensure that complaints of discrimination and harassment are promptly and impartially investigated and adjudicated.

Students who have concerns about perceived discrimination, harassment, related unprofessional conduct, or retaliation are encouraged to report their concerns as soon as possible. Employees who learn of an incident of discrimination, harassment, related unprofessional conduct, or retaliation are required to report this information as soon as possible, as set forth in the accompanying procedures.

The VSC's primary goals in responding to violations of this Policy are to promote the safety of the VSC community, to address discrimination and harassment, and to prevent discrimination and harassment from recurring. Individuals should not be deterred from reporting a violation of this Policy because alcohol, drugs, or violations of other VSC's policies were involved in the incident. VSC officials may, in their discretion and on a case-by-case basis, decide not to pursue relatively minor drug, alcohol, or other policy violations related to alleged violations of this Policy or, if they do pursue such violations, to handle them separately from complaints brought under this Policy.

A. Standard of Proof

The standard of proof applicable to the investigation and adjudication of complaints under this Policy shall be "by a preponderance of the evidence," meaning that it is more likely than not (*i.e.* there is more than a 50% likelihood) that the alleged actions or behavior in violation of the Policy occurred.

B. Coordinators

The Chancellor (for the Office of the Chancellor) and the President of each Member Institution (for each Institution) shall appoint individuals to coordinate efforts to carry out and comply with: (1) Title IX of the Education Amendments of 1972 and the other federal and state laws prohibiting discrimination and harassment on the basis of a protected category; and (2) Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. Contact information for the coordinators shall be attached to the Chancellor's Procedures.

XI. POLICY DISTRIBUTION AND EDUCATION

The Institutions and the Office of the Chancellor shall distribute or make available annually copies of the Policy and related procedures for all students and employees. The Institutions and the Office of the Chancellor will make available appropriate educational materials and programs to facilitate understanding and implementation of this Policy for all students and employees.

Date adopted by the Board of Trustees: June 14, 2025

Signed by:

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Elizabeth K. Mauch, Chancellor

Date	Version	Revision	Approved By
2006	1.0	Adopted	VSCS Board of Trustees
2/19/15	2.0	Updated	VSCS Board of Trustees
8/12/20	3.0	Updated per 2020 Title IX regulations	VSCS Board of Trustees
9/19/23	4.0	Updated per 2023 VT Fair Employment Practices Act	VSCS Board of Trustees
8/12/24	5.0	Updated per 2024 TIX regulations; rescinded by operation of law	VSCS Board of Trustees
6/14/25	6.0	Updated	VSCS Board of Trustees

Relevant Legal Authorities

Federal

- 20 U.S.C. § 1681 *et seq.*, Title IX of the Education Amendments of 1972
- 34 C.F.R. Part 106 (Title IX regulations)
- 20 U.S.C. § 1232g, Family Educational Rights and Privacy Act of 1974 (FERPA)
- 34 C.F.R. Part 99 (FERPA regulations)
- 29 U.S.C. § 602(d), Equal Pay Act of 1963
- 29 U.S.C. § 621 *et seq.*, Age Discrimination in Employment Act of 1967, as amended by the Older Workers Benefit Protection Act of 1990
- 29 U.S.C. § 701 *et seq.*, Section 504 of the Rehabilitation Act of 1973, as amended
- 38 U.S.C. § 4212, Vietnam Era Veterans Readjustment Assistance Act of 1974, as amended
- 38 U.S.C. § 4301 *et seq.*, Uniformed Services Employment and Reemployment Rights Act of 1994
- 42 U.S.C. § 2000d, Title VI of the Civil Rights Act of 1964
- 42 U.S.C. § 2000e *et seq.*, Title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act of 1978 and the Civil Rights Act of 1991

- 42 U.S.C. § 2000ff-1 *et seq.,* Genetic Information Nondiscrimination Act of 2008
- 42 U.S.C. § 12101 *et seq*., Americans with Disabilities Act of 1990, as amended by the Americans with Disabilities Amendments Act of 2008

State

- 3 V.S.A. § 961(6)-(8), State Employees Labor Relations Act
- 9 V.S.A. §§ 4500 *et seq*., Vermont Public Accommodations Act
- 16 V.S.A. § 11(a)(26), Classifications and Definitions, Harassment
- 16 V.S.A. § 178, Harassment and Hazing Prevention Policies; Postsecondary Schools
- 16 V.S.A. § 570f, Harassment; Notice and Response
- 18 V.S.A. § 1127, HIV Discrimination and Testing
- 21 V.S.A. § 495, Fair Employment Practices Act
- 21 V.S.A. § 495d(5)-(12), Definitions, Disability
- 21 V.S.A. § 495d(13), Definitions, Sexual Harassment
- 21 V.S.A. § 495h, Fair Employment Practices Act – Sexual Harassment

Cross References

- *Chancellor's Procedures for Implementation of Policy 311*
- VSC Policy 311-A, *Prevention of Sexual Misconduct*
- *Chancellor's Procedures for Implementation of Policy 311-A*
- VSC Policy 312, *Compliance with the Family Educational Rights and Privacy Act (FERPA)*

VERMONT STATE COLLEGES
CHANCELLOR'S PROCEDURES FOR IMPLEMENTATION OF POLICY 311:
PREVENTION OF DISCRIMINATION

I. INTRODUCTION

The following procedures outline the steps available to students and employees who may have been subjected to discrimination, harassment (including sexual harassment), and related unprofessional conduct as those terms are defined in Policy 311: *Prevention of Discrimination*, and describe the institutional procedures and responsibilities for handling complaints involving such misconduct. These procedures incorporate by reference the terms and conditions of Policy 311 and are to be read consistently with the requirements of any state or federal laws and regulations, any collective bargaining agreement, and any personnel handbook governing the rights and responsibilities of the VSC, its Member Institutions and its employees. These procedures may be modified as necessary to comply with federal and state law and to respond promptly and effectively to incidents of discrimination, harassment and related unprofessional conduct. If there is any conflict between these Procedures and federal or state law, these Procedures are to be interpreted consistent with applicable federal or state law.

II. DEFINITIONS

The definitions set forth in Policy 311 are incorporated herein by reference. The following additional definitions apply to these procedures.

"ADA/Section 504 Coordinators" means the administrator(s) at each Institution selected by the President, and the person at the Office of the Chancellor selected by the Chancellor, who is responsible for coordinating the institution's compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. Contact information for the ADA/Section 504 Coordinators is located in Appendix B.

"Complainant" means a person who files a complaint alleging that they have been subjected to conduct that violates Policy 311.

"Dean of Students" means the Dean of Students at a Member Institution or any person carrying out that function, however named.

"Designated contact person" means those persons designated by the Office of the Chancellor and the Member Institutions to advise individuals with questions about behaviors that may violate Policy 311 and to provide information about the informal and formal complaint processes to address such behaviors. The names of the designated contact persons at each institution will be published online and made available at the office of the Dean of Students and the office of the Human Resources Administrator for each Member Institution, as well as the office of the Director of Human Resources at the Office of the Chancellor.

"EIT Coordinators" means the administrator(s) at each Member Institution selected by the President who is responsible for overseeing the accessibility of the institution's Electronic Information Technology ("EIT"). Contact information for the EIT Coordinators is located in Appendix C.

"Employee" means all VSC employees, including student employees, such as Resident Advisors and work study students (within their capacity as Resident Advisors and work study students).

"Parties" means the complainant and the respondent.

"Respondent" means a person against whom a complaint has been filed alleging that the person's conduct violated Policy 311.

"Responsible College Administrator" or "RCA" means (1) the President or Dean of Students from the Member Institution where the violation allegedly occurred; (2) the Director of Human Resources at the Office of the Chancellor, if the violation allegedly occurred at the Office of the Chancellor; (3) the Chancellor if the Director of Human Resources or a President allegedly violated Policy 311; (4) the Chair of the Board of Trustees if the Chancellor allegedly violated Policy 311; and (5) any designee of the aforementioned.

"Third Parties" means individuals who are neither students nor employees, such as visitors, parents, vendors, and independent contractors.

"Title IX/Policy 311 Coordinator" means the administrator(s) at each Member Institution selected by the President, and the person at the Office of the Chancellor selected by the Chancellor, to serve as a Title IX or a Policy 311 Coordinator for the purposes of coordinating the VSC's efforts to comply with and carry out its responsibilities under Title IX and under other state and federal non-discrimination and prevention of harassment laws, regulations and policies, and any designee of the Title IX or Policy 311 Coordinator. The positions of Title IX Coordinator and Policy 311 Coordinator may be held by the same person concurrently or may be held by separate people. Contact information for the Title IX/Policy 311 Coordinators is located in Appendix A.

"VSC" and **"Colleges"** refer collectively to the Vermont State Colleges and its Member Institutions: Community College of Vermont, and Vermont State University, however named or configured.

III. REPORTING VIOLATIONS OF POLICY 311

A. Advice and Information

Any person (including students, employees, and third parties) who believes they are the victim of discrimination, harassment or related unprofessional conduct, or who has information about alleged violations of Policy 311, may seek advice or information on reporting violations and how to file a complaint from the Title IX/Policy 311 Coordinator, an ADA/Section 504 Coordinator (for disability discrimination and disability harassment), a designated contact person, or a Responsible College Administrator.

Individuals with a disability may request accommodations to ensure their full and equal participation in reporting violations of Policy 311, as well as in the investigatory and adjudicatory process under this Policy. Requests for accommodations in the Policy 311 process are determined on an individual basis by the Title IX or Policy 311 Coordinator, in consultation with the ADA/Section 504 Coordinator as appropriate. Individuals with questions about the accessibility of an institution's Electronic Information Technology should contact the institution's EIT Coordinator.

Students and employees are encouraged to report instances of harassing behavior, even if the alleged conduct is not sufficiently severe or pervasive as to create a hostile educational environment or sufficiently serious to create a hostile work environment, so that the behavior may be addressed before it creates a hostile

environment for the affected individual and in a manner reasonably calculated to prevent its recurrence.

The VSC encourages the accurate and prompt reporting of any misconduct, including sexual harassment, which rises to the level of criminal conduct to a Member Institution's Office of Public Safety, to the Dean of Administration at Community College of Vermont, and/or to state or local law enforcement.

B. Reporting Obligations of Employees

Except in circumstances where an employee is acting within the scope of his or her role as a specifically-designated confidential resource, employees who are aware or have been made aware of incidents of prohibited discrimination, harassment or related unprofessional conduct are required to report this information to one of the following: a Title IX/Policy 311 Coordinator, a designated contact person, the Dean of Students, the President, or, if the employee works in the Office of the Chancellor, to the Director of Human Resources.

Employees are not expected to and should not investigate alleged incidents, unless this is part of their job duties or they are assigned to investigate a complaint made under this Policy. The report should include all known relevant details, including a description of the alleged incident(s), the names of anyone involved or present, the date, time, and location.

Failure by an employee to report such incidents may result in disciplinary action. The procedures and mutual obligations of the VSC and the employee under the relevant collective bargaining agreement, or the VSC personnel handbook, will apply to any such disciplinary action.

IV. PROTECTIVE MEASURES

Sometimes it may be necessary to take steps to protect the rights and interests of a complainant before or during an investigation so that the complainant feels safe in their work or educational environment. Upon request, the Title IX/Policy 311 Coordinator, with the assistance of other VSC officials as appropriate, will provide complainants with appropriate protective measures. Protective measures may include, but are not limited to, altering academic or work schedules, altering transportation arrangements, changing living arrangements, issuing no contact or no trespassing orders, placing an employee on leave, or suspending a student. Any measure taken should seek to minimize the burden on the complainant while respecting the due process rights of the respondent. The temporary imposition of any protective measure does not indicate a presumption of guilt, nor does it preclude subsequent disciplinary action.

Interim measures may be offered as appropriate to the respondent, as well as the complainant. Assessment of a party's need to receive an interim measure will generally be made on an individualized basis, as appropriate, based on information gathered by the Title IX/Policy 311 Coordinator. The measures needed by each party may change over time and the Title IX/Policy 311 Coordinator should communicate with the parties throughout the investigation to evaluate whether the measures provided are necessary and effective based on the parties' evolving needs.

If the VSC has reasonable cause to believe that a student accused of violating Policy 311 poses a substantial threat to him or herself, the alleged victim, other people, property, or the continuance of normal VSC operations, the VSC may suspend the student for an interim period, pending the outcome of the disciplinary process. Careful consideration should be given to alternative interim measures, such as changing class schedules, changing residence hall assignments, and issuing no contact orders, before imposing an interim

suspension, so as to avoid depriving a student of his or her education where possible.

An interim suspension may not be imposed without prior notice to the student (either written or oral) of the contemplated suspension and the factual basis for it. The student will have forty-eight hours in which to submit a letter to or appear personally before the Dean of Students (or the Dean's designee) to contest the interim suspension. The Dean of Students (or the Dean's designee) will consider: (1) the reliability of the identification of the student; and (2) whether the alleged conduct, if true, based on the surrounding circumstances, reasonably indicates that the continued presence of the student on campus poses a substantial threat to him or herself, the alleged victim, other people, property, or the normal operations of the VSC. The Dean (or the Dean's designee) may require the student to meet certain conditions in lieu of an interim suspension. Unless the Dean of Students (or the Dean's designee) determines that it would be unreasonably difficult or dangerous to delay the interim suspension, the student will have the opportunity to be heard in person or in writing before the interim suspension takes effect.

V. FILING A COMPLAINT

Any member of the VSC community who believes that they have been subjected to conduct that violates Policy 311, or who has information about an alleged violation, may file a formal or informal complaint.

A. Timing

A complaint should be filed as soon as possible but in no event later than 180 calendar days from the date the complainant reasonably becomes aware of the discrimination, harassment or related unprofessional conduct that is alleged to have occurred. Filing may be permitted beyond the 180-day deadline where extraordinary circumstances are present and documented.

B. Informal Complaint

An informal complaint may be made, either orally or in writing, to a designated contact person, Title IX/Policy 311 Coordinator, or Member Institution administrator, alleging a violation of Policy 311 and specifically requesting an informal resolution process. Examples of informal resolution processes include a meeting between the parties to the complaint, a meeting between a designated contact person or Responsible College Administrator and the respondent, a letter to the respondent requesting that the offending behavior cease, or other informal methods reasonably calculated to stop the offending behavior and to prevent its recurrence.

Participating in an informal complaint resolution process is not required before filing a formal complaint, nor does it prevent a complainant from filing a formal complaint. A complainant has the right to end the informal complaint process at any time and begin the formal complaint process or pursue other legal options.

C. Formal Complaint

A formal complaint is a written statement, signed and dated by the complainant, alleging a violation of Policy 311, which is submitted to a Title IX/Policy 311 Coordinator or designated contact person, or to one of the following Responsible College Administrators or their designee ("RCA"):

(1) The Dean of Students, if the complaint is against a student;

(2) The President of the Institution, if the complaint is against an employee of that Member Institution;

(3) The Director of Human Resources in the Office of the Chancellor, if the complaint is against an employee in the Chancellor's Office;

(4) The Chancellor, if the complaint is against a President of a Member Institution or the Director of Human Resources in the Chancellor's Office; or

(5) The Chair of the Board of Trustees, if the complaint is against the Chancellor.

A formal complaint may be hand-delivered, sent by mail, or submitted by e-mail. The complaint should include a description of the alleged conduct, the date(s) and time(s) it occurred, the name of the respondent, the circumstances surrounding the alleged conduct, and the identity of any person who may have knowledge or information about the conduct. Individuals with a disability may request assistance in reporting violations of Policy 311 from the Title IX/ Policy 311 Coordinator or the ADA/Section 504 Coordinator.

Unionized employees also have the right to file grievances under their collective bargaining agreements, alleging violations of the non-discrimination provisions of those contracts, and in accordance with the procedures of those contracts.

D. Complaint brought by the VSC

The VSC may investigate and pursue disciplinary action against a respondent whose conduct allegedly violates Policy 311 in the absence of an informal or formal complaint, or as otherwise deemed appropriate by the Institution. If this occurs, the VSC will follow the procedures set forth below to the extent reasonably possible and may extend the full rights of a complainant, as defined in this policy, to affected parties as deemed appropriate by the Title IX/Policy 311 Coordinator, as applicable.

E. Preliminary Evaluation

The Title IX/Policy 311 Coordinator or a designated contact person will conduct a preliminary evaluation of the complaint to determine whether the allegations, if true, would constitute a violation of Policy 311. If the alleged actions of the respondent would be a violation of VSC Policy 311-A, *Prevention of Sexual Misconduct*, that policy and the Chancellor's Procedures for Implementation of Policy 311-A will control the processing of the report, including notice, investigation, adjudication, sanctions (if any) and appeals. If the alleged actions of the respondent do not meet the definitions of Prohibited Conduct in Policy 311-A, but would constitute a violation of Policy 311, the procedures set forth below will be followed. If the alleged actions of the respondent would not be a violation of this Policy, the evaluator will consider whether the alleged actions would otherwise subject the respondent to discipline under any other VSC policy, policies of the Member Institution, any collective bargaining agreement, or personnel handbook. If so, the procedures applicable for handling such other alleged offenses will be followed. No further action, other than to inform the complainant, will be taken if the alleged actions of the respondent as set forth in the written statement, if true, would not constitute an offense subject to discipline.

VI. INFORMAL COMPLAINT PROCESS

If an informal complaint is submitted to a designated contact person or Member Institution administrator, the designated contact person or Member Institution administrator will notify the Title IX/Policy 311 Coordinator of the complaint and the details of the alleged incident or behavior. The person to whom the informal complaint was submitted, the Title IX/Policy 311 Coordinator, or a designee, will then meet with the complainant to discuss the incident or behavior that is of concern and the informal dispute resolution options open to the complainant, as well as the option to file a formal complaint or pursue available legal remedies.

VII. FORMAL COMPLAINT PROCESS

A. Preparing the Complaint

The complainant will meet with the Title IX/Policy 311 Coordinator or designated contact person to discuss the incident or behavior that is of concern. If the complainant has not already prepared a formal complaint, the complainant will be asked to prepare a written statement describing the alleged conduct. The complainant will be given a physical copy of and/or the links to Policy 311 and its implementing procedures on the VSC's website. Copies of the complaint will be provided to the Title IX/Policy 311 Coordinator, the investigator, and the VSC's general counsel.

B. Notice to the Respondent

The respondent will be informed, in writing, of the alleged policy violation(s) and provided with a summary of complainant's allegations. The notice typically includes the identities of the parties involved, the specific section(s) of Policy 311 and any other policy that has allegedly been violated, a description of the conduct allegedly constituting the potential violation, and the date and location of the alleged violation. The respondent should also be given a physical copy of and/or the links to Policy 311 and its implementing procedures on the VSC's website. The respondent will be notified that taking any retaliatory action (directly or through others) against the complainant or any person involved in the investigation is prohibited and will be considered a separate violation of VSC policy. Copies of the written notice to the respondent will be provided to the investigator and VSC's general counsel.

C. Acceptance of Responsibility

If at any point during the investigation, a respondent chooses to accept responsibility under this Policy, the RCA may issue a determination and impose disciplinary sanctions upon the respondent in accordance with sub-section E below. The RCA may also take other action that is reasonably calculated to address the harassment or discriminatory conduct and prevent its recurrence, including further investigation of the allegations. By accepting responsibility and the imposition of any assigned disciplinary sanction, the respondent waives the right to appeal.

D. The Investigation

(1) Appointment of Investigator

The Title IX/Policy 311 Coordinator shall appoint an investigator or investigators [1] to conduct an adequate, reliable and impartial investigation into the alleged violations of Policy 311. The Title IX Coordinator may serve as an investigator. The investigator shall conduct an investigation that is prompt, fair,

[1] For ease of reference, the singular "investigator" will be used throughout the remainder of these procedures.

impartial, and appropriate under the circumstances. The nature and scope of the investigation is within the discretion of the investigators. Investigator may be employees of the eMember Institution, another VSC employee, or an outside investigator.

The complainant and respondent may raise an objection to the selection of a particular investigator if either believes there is a conflict of interest or demonstrable or reasonably perceived bias on the part of the investigator. Any such objections must be raised upon receipt of notice of the appointments. The RCA shall have final authority in the appointment of investigator.

(2) Witnesses and Evidence

The investigator will interview the complainant, respondent, and any witnesses separately. The complainant and respondent will be asked to identify: (a) relevant evidence they would like the investigator to review; (b) witnesses they would like the investigator to interview; and (c) questions they would like the investigator to ask other witnesses. The investigator have discretion as to what evidence to pursue, which witnesses to interview, and which questions to ask, depending on their determination of what they reasonably believe to be related to the issues in dispute.

(3) Advisors

Complainants and respondents may have an advisor of their choosing present at any interview or meeting with an investigator.[2] Any such advisor may advise the complainant or respondent privately, but cannot act as a speaking advocate. An investigator may terminate the meeting and proceed with the investigation based on otherwise-available information if an advisor refuses to comply. Because a Policy 311 investigation may lead to discipline, a respondent who is a bargaining unit member has the right to be accompanied to the interview by a union representative.

(4) Additional Policy Violations

If, in the course of the investigation, other allegations against the respondent surface which could result in discipline under this Policy, other VSC policies, policies of the Member Institution, any collective bargaining agreement, or personnel handbook, the investigator will inform the respondent, in writing, of such allegations. The respondent will be given an opportunity to respond to the additional allegations before the investigator complete their investigation. If the alleged additional violations are unrelated to the allegations contained in the complaint, the VSC may choose to address these separately and not as part of the ongoing investigatory and adjudicatory process.

(5) Time-frame

The investigation will be conducted as promptly as possible, without compromising thoroughness. The investigator will endeavor to prepare their report within forty-five (45) calendar days from their appointment

[2] Parties should avoid choosing an advisor who may have relevant information and be interviewed as part of the investigation. A party may change advisors during the course of the investigatory and adjudicatory process. A party may request that the Title IX/Policy 311 Coordinator and/or the investigator copy their advisor on communications with the party. Typically, each party may have only one advisor present at an interview or meeting, however, in extenuating circumstances, the Title IX Coordinator may grant a party's request for permission to have an additional advisor or support person attend a meeting or interview during the investigatory and adjudicatory process.

to serve as investigator, excluding scheduled breaks during the fall and spring semesters. This time frame may be extended for good cause with written notice to the parties of the delay and the reason(s) for the delay.

(6) The Investigative Report

At the conclusion of the investigation, the investigator will prepare a report setting forth their findings of fact and recommended conclusion. The findings of fact and recommended conclusion 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 report will include:

(a) A statement summarizing the allegations;

(b) A procedural summary, including the date the investigator was appointed, the names of the witnesses and dates when each was interviewed, and a list of the documents reviewed;

(c) Applicable definitions, including the definition of the alleged violation(s) of Policy 311;

(d) A summary of the relevant exculpatory and inculpatory evidence;

(e) The investigator's findings of fact, including how they weighed the evidence and reconciled any significant discrepancies in the statements of witnesses;

(f) The conclusion, in which the investigator explains how the findings of fact are applied to the standards set forth in Policy 311 to reach a determination as to whether the Policy was violated; and

(g) Any general recommendations for consideration by the RCA, such as trainings, education, or other actions that may reduce/eliminate prohibited misconduct in the future. Unless specifically requested to do so by the RCA, investigator will not make recommendations about possible sanctions.

Typically, the investigator shall send the report to the complainant and respondent, with a copy to the Title IX/Policy 311 Coordinator but, if warranted by the specific circumstances, the Title IX/Policy 311 Coordinator (after consultation with the investigator) may share the report with the parties. To the extent reasonably possible, the parties shall be provided with the report simultaneously. Certain identifying information may be redacted from the materials provided to the complainant and respondent, if necessary, to comply with the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. § 1232g. The parties will each have the opportunity to review the investigative report and to provide a written response to the report to the investigator within seven (7) calendar days.

The investigator will send the final report, along with copies of any written response to the Title IX/Policy 311 Coordinator. The Title IX/Policy 311 Coordinator will forward the final report, plus any responses and attachments, to the RCA, with copies to VSC's general counsel, the complainant, and the respondent.

E. Determination and Sanctions

(1) Student Respondents

The RCA is not bound by the investigative report and may accept or reject the investigator's recommended conclusion in whole or in part, or may request additional relevant information before making a final determination. The complainant and respondent may choose to meet with the RCA individually before a final determination is made and may be accompanied by an advisor of their choosing. The advisor may confer

privately with the individual, but may not address the RCA directly. The parties have seven (7) calendar days from the date the report is sent to the RCA to request a meeting with the RCA. The RCA may request to meet with either party or any other person(s) the RCA considers appropriate before making a final determination.

After conducting any such meetings and considering the investigative report, any supplements to the report, and any additional relevant information, the RCA will issue a determination as to whether a violation of Policy 311 (or a violation of other VSC policies, if applicable) occurred. The determination will be based on whether the RCA finds, by a preponderance of the evidence, that the respondent violated Policy 311 (or other applicable VSC policies).

If the RCA determines that a student has engaged in conduct that violates this Policy (or other applicable VSC policies), the RCA will impose disciplinary sanctions on the student. The RCA will consider what sanction(s) are: (1) fair and appropriate given the facts of the particular case, (2) consistent with the sanctions imposed in similar cases; and (3) adequate to protect the safety of the complainant and the VSC community.

Absent extenuating circumstances, the RCA will endeavor to issue a determination as to whether a violation of Policy 311 (or a violation of other VSC policies, if applicable) occurred and any applicable sanctions (or other actions) within fourteen (14) calendar days after receiving the investigative report or within seven (7) calendar days of obtaining additional information, or meeting with the parties, whichever is later. This period may be extended for good cause, with written notification to the parties. The parties will be notified, simultaneously and in writing, of: (1) the determination; (2) the sanction, to the extent permitted by law; and (3) the appeal procedures. Copies will be sent to the Title IX/Policy 311 Coordinator and to the VSC's general counsel.

(2) Employee Respondents

The RCA is not bound by the investigative report and may accept or reject the investigator's recommended conclusion in whole or in part, or may request additional relevant information before making a determination. After considering the investigative report, any supplements to the report, and any additional relevant information, the RCA will notify the complainant and respondent, simultaneously and in writing, of the RCA's initial determination as to whether a violation of Policy 311 (or a violation of any other policy, agreement or handbook, if applicable) occurred and will outline the discipline, if any, being contemplated. The determination will be based on whether the RCA finds, by a preponderance of the evidence, that the respondent violated Policy 311 (or other applicable VSC policies).

The complainant and respondent may each request to meet with the RCA, before a final determination is made, and may be accompanied by an advisor of their choosing. If the respondent is an employee who is covered by a collective bargaining agreement, the procedures and mutual obligations of VSC and the employee regarding disciplinary action delineated in those agreements will apply. RCA will impose disciplinary sanctions on the employee, consistent with the applicable terms of any collective bargaining agreement.

Absent extenuating circumstances, the RCA will endeavor to issue a final determination as to whether a violation of the VSC's policies has occurred and the imposition of any discipline (or other actions) within seven (7) calendar days of receiving the investigative report, obtaining additional information, or meeting with the parties, whichever is later. This time period may be shorter or longer depending on the circumstances, including any contractual rights of the parties. The parties will be notified if changes are made to the time-frame. The complainant and respondent will be notified, simultaneously and in writing, of the final determination and the disciplinary sanctions, if any, to be imposed, to the extent permitted by law. A copy of the notification will be sent to the Title IX/Policy 311 Coordinator and to the VSC's general counsel.

F. Appeal

(1) Student Respondents

Both the complainant and respondent have the right to appeal the outcome on the following grounds: (1) procedural error where the error prevented fundamental fairness; (2) the discovery of previously unavailable evidence that could significantly impact the outcome of the case; (3) the determination is arbitrary or capricious; or (4) the sanction is substantially disproportionate to the findings. Within seven (7) calendar days of receiving the notice of the determination and any applicable discipline, the parties may appeal to the President of the Institution (or the President's designee) by delivering a written statement of appeal to the President and to the Title IX/Policy 311 Coordinator.

The Title IX/Policy 311 Coordinator will notify the other party of the appeal, and the other party will have seven (7) calendar days in which to submit a written response to the appeal to the President (or the President's designee), with a copy to the Title IX/Policy 311 Coordinator. Both parties will be informed simultaneously and in writing, of (1) any change to the discipline and/or sanctions imposed while the appeal is pending, and (2) the final decision, to the extent permitted by law. A copy of the notification will be sent to the Title IX/Policy 311 Coordinator and to the VSC's general counsel. The decision of the President (or the President's designee) is final.

(2) Employee Respondents

In cases where the respondent is an employee, the respondent's right to appeal will be governed by the relevant employee collective bargaining agreement or the VSC personnel handbook for those employees not covered by a collective bargaining agreement. The complainant may request to meet with the Chancellor. Both parties will be notified, simultaneously and in writing, of (1) any change to the discipline and/or sanctions imposed while the appeal is pending, and (2) the final decision, to the extent permitted by law. A copy of the notification will be sent to the Title IX/Policy 311 Coordinator and to the VSC's general counsel.

VIII. NOTICES

For purposes of this Policy, written notifications to the parties and written responses from the parties may be hand-delivered, mailed, and/or sent to or from the parties' e-mail addresses, if the e-mail addresses are known to the VSC. The same method of communication will be used where practicable for both the complainant and the respondent.

IX. CONFIDENTIALITY

The VSC is committed to maintaining the privacy of all individuals involved in a Policy 311 investigation to the extent it can reasonably do so. Reports of discrimination, harassment, and related unprofessional conduct and related complaints, investigative reports, and final determinations will be treated as confidential, to the extent allowed by law.

X. RECORD-KEEPING

The Title IX/Policy 311 Coordinators will track reports alleging violations of Policy 311 and the outcomes of Policy 311 complaints for statistical and reporting purposes. This information may be used to satisfy any VSC or Member Institution legal reporting requirements and for planning and assessing progress toward elimination of discrimination, harassment and related unprofessional conduct.

XI. OTHER REMEDIES

Nothing contained in these Procedures precludes a student or employee from seeking other remedies through state and federal resources to redress grievances related to discrimination, harassment and related unprofessional conduct. An individual, at any time permitted under state or federal law, may elect to file a complaint with the Equal Employment Opportunity Commission, the United States Department of Education Office for Civil Rights, the Office of the Vermont Attorney General, the Vermont Human Rights Commission, or any other entity charged with receiving complaints of discrimination, harassment and related unprofessional conduct. *See* Appendix D for contact information.

XII. EDUCATION

The Member Institutions and the Office of the Chancellor will provide educational programs and activities that work toward eliminating discrimination and harassment and informing students and employees how to address incidents of discrimination, harassment and related unprofessional conduct when they arise, including the filing of complaints under Policy 311 and these procedures. These programs and activities will include:

- making Policy 311, its implementing procedures and appendices (which include contact information for Title IX/Policy 311 Coordinators, ADA/Section 504 Coordinators, and state and federal agencies designated to receive complaints of discrimination and harassment) available in the VSC Policy Manual located on the VSC web site;

- including references or links to Policy 311 and these procedures in appropriate publications provided to students and employees;

- making materials available to students and employees containing educational information on discrimination and harassment and on the rights and responsibilities of individuals under Policy 311 and these procedures;

- providing information and learning experiences to incoming students, faculty and staff to heighten awareness of the issues and of the Institution's expectations;

- selecting and training Responsible College Administrators, designated contact people, Title IX/Policy 311 Coordinators, ADA/Section 504 Coordinators, and persons who may be appointed as Policy 311 investigators.

The Member Institutions and the Office of the Chancellor will continue to support, monitor and revise the educational programs as they work toward the goals of eliminating discrimination, harassment and related unprofessional conduct and enhancing mutual trust and respect.

Policy 311: Appendix A

Policy 311/Title IX Coordinators

Office of the Chancellor:	Mary Brodsky, Dean of People and Culture/Title IX Coordinator Mary.Brodsky@ccv.edu 802-828-4060
Community College of Vermont:	Angie Albeck, Associate Dean of Students (Policy 311/Title IX Coordinator Angela.Albeck@ccv.edu (802) 654-0690 Cody Miller, Coordinator of Student Advising (Deputy Policy 311/Title IX) Cody.Miller@ccv.edu 802-786-0012
Vermont State University:	Rebecca Kirkpatrick, Title IX and Protected Rights Coordinator (University wide) TitleIXCoordinator@vermontstate.edu 802-910-8908
Castleton:	Rebecca Kirkpatrick, Title IX and Protected Rights Coordinator (University wide) TitleIXCoordinator@vermontstate.edu 802-910-8908 Rachel Mark, Deputy Title IX and Protected Rights Coordinator (Deputy Policy 311/Title IX Coordinator) Rachel.Mark@VermontState.edu 802-468-6400
Johnson:	Rebecca Kirkpatrick, Title IX and Protected Rights Coordinator (University wide) TitleIXCoordinator@vermontstate.edu 802-910-8908 Sara Kinerson, AVP, Advising & Career Development (Deputy Policy 311/Title IX Coordinator) Sara.Kinerson@vermontstate.edu
Lyndon:	Rebecca Kirkpatrick, Title IX and Protected Rights Coordinator (University wide)

	TitleIXCoordinator@vermontstate.edu Denise Bourbeau-Moses, Director of Academic Support and Disability Services (Deputy Title IX/Policy 311 Coordinator) Denise.Bourbeau-Moses@vermontstate.edu (802) 626-6424
Randolph:	Rebecca Kirkpatrick, Title IX and Protected Rights Coordinator (University wide) TitleIXCoordinator@vermontstate.edu 802-910-8908
Williston:	Rebecca Kirkpatrick, Title IX and Protected Rights Coordinator (University wide) TitleIXCoordinator@vermontstate.edu 802-910-8908 Amy Boyd-Austin, Deputy Title IX and Protected Rights Coordinator Amy.BoydAustin@VermontState.edu 802-288-8923

Policy 311: Appendix B
ADA/Section 504 Coordinators

Office of the Chancellor:	Mary Brodsky, Dean of People and Culture/Title IX Coordinator Mary.Brodsky@ccv.edu 802-828-4060
Community College of Vermont (Employees):	Robert "Bo" Finnegan, Director of Human Resources 660 Elm Street, Montpelier, VT 05602 Robert.Finnegan@ccv.edu (802) 828-2816
Community College of Vermont (Students):	Angie Albeck, Associate Dean of Students 1 Abenaki Way, Winooski, VT 05404 Angie.Albeck@ccv.edu (802) 654-0690 Additional designated contacts by region at http://ccv.edu/discover-resources/students-with-disabilities/
Vermont State University:	Jamia Danzy, Dean of Students 161 Dewey Hall, 337 College Hill, Johnson, VT 05656 Jamia.Danzy@vermontstate.edu (802) 635-1207

Policy 311: Appendix C

EIT Coordinators

Location	Name	Title	E-mail	Phone
Office of the Chancellor	Wilson Garland	Interim Chief Information Officer	Wilson.Garland@vsc.edu	(802) 279-6960
Community College of Vermont	Jennifer Alberico	Associate Dean	Jennifer.Alberico@ccv.edu	(802) 828-4063
Vermont State University	Sarah Chambers	Director of Learning Technologies	Sarah.Chambers@vsc.edu	(802) 468-6078

Policy 311: Appendix D

State and Federal Agencies Designated to Receive Complaints of Discrimination and Harassment

Vermont Human Rights Commission
14-16 Baldwin Street
Montpelier, VT 05633-6301
(800) 416-2010 (toll-free)
(802) 828-2480 (voice)
(802) 828-2481 (fax)
(877) 294-9200 (TTY)
human.rights@state.vt.us

Vermont Attorney General's Office - Civil Rights Unit
109 State Street
Montpelier, VT 05609-1001
(888) 745-9195 (toll-free)
(802) 828-3657 (voice)
(802) 828-3665(TTY)
(802) 828-2154 (fax)
Civil Rights Information: ago.civilrights@vermont.gov
General Information: Home | Office of the Vermont Attorney General

Equal Employment Opportunity Commission
John F. Kennedy Federal Building
15 New Sudbury Street, Room 475
Boston, MA 02203
(800) 669-4000 (toll-free)
(617) 565-3196 (fax)
(800) 669-6820 (TTY)
(844) 234-5122 (ASL video phone)

U.S. Department of Education's Office for Civil Rights
8th Floor
5 Post Office Square
Boston, MA 02109-3921
(617) 289-0111 (voice)
(617) 289-0150 (fax)
OCR.Boston@ed.gov

Prevention of Sexual Misconduct

Policy: 311-A

Date: 9/15/2025

“VSC” refers collectively to the Vermont State Colleges and the two individual member institutions, Community College of Vermont and Vermont State University. Therefore, the following policy applies to CCV.

PREVENTION OF SEXUAL MISCONDUCT	Number **311-A**	Page **1 of 17**
	Date **9/15/2025**	

I. NOTICE OF NONDISCRIMINATION

As a recipient of federal funds, each Member Institution of the Vermont State Colleges (collectively "the VSC") is required to comply with Title IX of the Higher Education Amendments Act of 1972, and implementing regulations issued by the Department of Education in May 2020 ("Title IX"). In accordance with Title IX, as well as applicable state and federal law, the VSC prohibits discrimination on the basis of sex in its education programs and activities, admission, and employment. Prohibited sex discrimination includes sexual harassment, as defined in VSC Policy 311*, Prevention of Discrimination*. Prohibited sex discrimination also includes sexual harassment as defined in this policy.[1]

Inquiries concerning the application of Title IX may be referred to VSC's Title IX Coordinators or to the United States Department of Education Office for Civil Rights. Contact information for the Title IX Coordinators and the Office for Civil Rights is located in Appendix A to the Chancellor's Procedures for Implementation of Policy 311-A: *Prevention of Sexual Misconduct* ("Chancellor's Procedures").

II. POLICY STATEMENT

The VSC is committed to maintaining an educational and working environment free from all forms of sex discrimination, including sexual harassment as defined below. The VSC is also committed to maintaining an educational and working environment free from sexual exploitation, domestic violence, dating violence, sexual assault, and stalking. Such misconduct will not be tolerated. These acts not only violate a person's feelings of trust and safety but can also substantially interfere with a person's education or employment.

III. POLICY SUMMARY

[1] In the event the applicable laws change, the Board of Trustees ("the Board") recognizes the VSC Chancellor's authority to comply through revised Procedures until the Board has an opportunity to revise the relevant Policy.

It is the policy of the VSC that, upon determining that an act of sexual harassment, sexual exploitation, domestic violence, dating violence, sexual assault, or stalking has occurred, prompt and appropriate remedial action reasonably calculated to address the misconduct and restore or preserve equal access to VSC education programs or activities will be taken. Disciplinary sanctions for any member of the VSC community engaging in conduct prohibited under this policy may include the suspension or dismissal/expulsion of students, the suspension or termination of employment or other appropriate disciplinary action such as warnings, reprimands and educational sanctions, as well as possible referral for criminal investigation and prosecution under Vermont law.

Reporting: The VSC encourages, and in the case of its employees requires, the prompt and accurate reporting of sexual harassment, sexual exploitation, domestic violence, dating violence, sexual assault, or stalking ("Prohibited Conduct" defined further, below). This allows the VSC to respond quickly to allegations and offer supportive measures to individuals who may have been subjected to such misconduct. The VSC is committed to protecting the confidentiality of complainants,[2]wherever possible, and will work closely with individuals seeking confidential assistance regarding misconduct under this policy. Certain professionals are permitted by law to offer confidentiality. Those who do not have the privilege of offering confidentiality are expected to handle reports discreetly to the extent permitted or required under the law and VSC policy. All allegations will be investigated promptly and thoroughly as provided in the Chancellor's Procedures, and all parties will be afforded equal rights during the investigatory and adjudicatory process.

Prevention and Education: It is the collective responsibility of all members of the VSC community to foster a safe and secure campus environment. In an effort to promote this environment and prevent acts of Prohibited Conduct from occurring, the VSC provides ongoing prevention and awareness programs. Incoming students and employees are expected to participate, and other members of the VSC community are encouraged to participate, in these programs.

Retaliation: Retaliation related to matters addressed by this policy, as defined below, is prohibited and may result in disciplinary action, up to and including suspension, expulsion/dismissal or termination of employment. Retaliation may be found whether or not the underlying complaint is ultimately found to have merit. A complaint of retaliation should be reported, and will be investigated and adjudicated, as provided in the Chancellor's Procedures.

Amnesty: Disciplinary action is prohibited against a student reporting, or otherwise participating in a sexual misconduct resolution process, for alleged ancillary policy violation(s) related to the sexual misconduct incident at issue. However, disciplinary action may be taken if it is determined that the conduct giving rise to the alleged ancillary policy violation(s) placed, or

[2] As noted in the definitions below, for ease of reference, individuals who report that they have been subjected to misconduct prohibited by this policy, or who are reported by others to have been subjected to such misconduct, will be referred to throughout this policy as "complainants", regardless of whether or not they choose to request supportive measures and/or participate in an adaptive or formal resolution process.

threatened to place, the health and safety of another person at risk. This shall not be construed to limit a counter-complaint made in good faith or to prohibit action as to a report made in good faith.

False Information: Knowingly providing false information in connection with a complaint of misconduct covered by this policy or intentionally misleading officials in the investigation or resolution of such a complaint is prohibited and may result in disciplinary action, up to and including suspension, expulsion/dismissal or termination of employment.

Academic Freedom: This policy shall not be construed or applied to restrict academic freedom at the VSC, nor shall it be construed to restrict constitutionally-protected expression, even though such expression may be offensive, unpleasant or even hateful.

Interpretation: This policy is to be read consistent with federal and state law. If there is any conflict between this policy and federal or state law, this policy will be interpreted consistent with federal or state law.

IV. SCOPE OF COVERAGE

Who: This policy applies to all members of the VSC community, including students, employees, and other third parties who come on to campus (such as parents, visitors, independent contractors, and vendors), who are involved in an incident of Prohibited Conduct (including those who witness an incident or report an incident on behalf of another). It covers misconduct between individuals in different types of relationships. These include, but are not limited to, student to student, employee to employee, faculty member to faculty member, visitor/contracted employee to employee/student, faculty member to student, employee to student, supervisor to subordinate, coach to student athlete, and student to employee/faculty member. Misconduct under this policy may consist of acts committed by an individual, or collective actions committed by members of a group or organization. These acts may be committed against an individual or against a group or organization. These acts may be committed by a stranger, an acquaintance, or someone with whom the complainant has a social, romantic, or intimate relationship. These acts may be committed by or against any individual, regardless of sexual orientation or gender identity.

What: This policy prohibits Prohibited Conduct as defined herein, in the VSC's educational, extracurricular, athletic, and other programs and activities, as well as in the employment setting. These terms are further defined in the Definitions section below. Other forms of sexual harassment that do not meet the Title IX Sexual Harassment or Non-Title IX Sexual Misconduct definitions provided in this policy are also prohibited by the VSC, and are addressed separately in VSC Policy 311, *Prevention of Discrimination*, or other applicable policy or code of conduct.

Where: This policy covers conduct that takes place on VSC campuses and in any building or property owned or controlled by the VSC and used in direct support of, or in a manner related to, the VSC's mission. This includes public property within or immediately adjacent to and accessible from VSC property, as well as any building or property not within the same

reasonably contiguous geographic area of VSC that supports or relates to VSC's educational purposes and is used frequently by students. This policy also covers conduct that takes place off-campus, or through the use of online, electronic or digital technologies, that may have a nexus to any VSC education program or activity, for example by creating a hostile environment on campus or representing a threat to the safety of a member or members of the VSC community or to the efficient continuance of normal VSC operations.

When: The length of time between an incident and making a report of misconduct under this policy will not affect the willingness of the VSC to investigate the allegations or provide support and other services to the individual reporting the conduct. However, a prompt report will enhance the VSC's ability to conduct an investigation, and will enhance the effectiveness of any criminal or VSC adjudicatory process. Therefore, the VSC strongly encourages individuals to report incidents of misconduct immediately following their occurrence.

V. RESOURCES FOR COMPLAINANTS

Written information on existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for individuals who report that they have been subjected to misconduct in violation of this policy, both on campus and in the local community, is available from the Office of the Chancellor and each of the Member Institutions. The VSC will provide written notification about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or other supportive measures. The VSC will make such accommodations or provide such supportive measures if requested and if they are reasonably available, regardless of whether the complainant chooses to report the misconduct to campus public safety or local law enforcement.

Further information about supportive measures available to both parties is provided in the Chancellor's Procedures. Requests for supportive measures and accommodations should be made to the Title IX Coordinator.

VI. CLERY ACT

The Jeanne Clery Campus Safety Act ("Clery Act") requires all colleges and universities that participate in federal financial aid programs to keep and report information about crime on or near their campuses. Employees who are designated as Campus Security Authorities under the Clery Act are required to report certain crimes to their campus Office of Public Safety for the purpose of compliance with the Clery Act. The Offices of Public Safety for the Member Institutions will include any reported incidents of dating violence, domestic violence, sexual assault, and stalking, along with other crimes, in the campus daily crime log and annual security report, as required by the Clery Act. Public Safety will issue a timely warning when a Clery Act crime which is considered to pose a serious or continuing threat to the VSC community is reported to Public Safety or to local law enforcement (if local law enforcement makes Public Safety aware of such reports). No personally identifying information will be included in the public reports required by the Clery Act.

VII. CONFIDENTIALITY AND PRIVACY

The VSC is committed to maintaining the privacy of all individuals involved in a report of sexual harassment, sexual exploitation, domestic violence, dating violence, sexual assault, and/or stalking to the extent it reasonably can do so. While the VSC encourages individuals to report incidents of misconduct in violation of this policy, the VSC understands that it can be difficult for individuals to come forward to report such misconduct. The following resources have differing obligations to maintain confidentiality and to report incidents.

A. Confidential Off-Campus Resources

Crisis services and off-campus healthcare providers will generally maintain confidentiality, to the extent permissible under applicable law.

B. Counselors and Health Services Professionals

The VSC's licensed professional counselors and health services staff respect and protect confidential communications from students and employees to the extent permissible under applicable law. They may have the responsibility to disclose otherwise-privileged information in the event 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. These professionals will report incidents, without any identifying information, to the Title IX Coordinator so VSC is aware that an incident of alleged misconduct under this policy has occurred. If the incident is a crime covered by the Clery Act, these professionals will report it, without any identifying information, to the appropriate Office of Public Safety for Clery Act purposes. The non-identifying information to be reported includes the nature, date, time and general location of the incident.

In accordance with current Title IX regulations, the University 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.

C. Employees

Employees of the VSC, other than those employed by the VSC in their capacity as licensed professional counselors and health services staff, are not able to guarantee confidentiality. General inquiries or questions about policies and procedures do not have to be reported. Employees who learn of an incident of sexual harassment, sexual exploitation, domestic violence, dating violence, sexual assault, or stalking are required to report this information to the Title IX Coordinator, the Dean of Students, or the President. Employees who are Campus Security Authorities are also required to report certain sex offenses and other crimes to the campus Office of Public Safety for the purpose of the VSC's compliance with the Clery Act. All information will be kept securely and, even if an individual does not request confidentiality, the information will be shared on a "need to know" basis only with those assisting in any review,

investigation or adjudication of the report, or who otherwise need to know the information to perform the duties of their position. Although not bound by confidentiality, these individuals should be discreet and respect the privacy interests of all individuals involved in the process.

The current 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,[3] 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 VSC will strive to protect the privacy interests of individuals to the extent it can while fulfilling its obligations to uphold relevant policies and regulations, to conform to any legal requirements, and to take reasonable steps to promote the safety of members of the VSC community. The VSC has an obligation to investigate complaints of sexual harassment, sexual exploitation, dating violence, domestic violence, sexual assault, and stalking, and to take reasonable steps to prevent recurrence of such behavior. Therefore, in some circumstances, the VSC may report an incident of misconduct under this policy to law enforcement or investigate and pursue disciplinary action against a respondent, even if an individual requests confidentiality or chooses not to file a complaint. For this reason, absolute or strict confidentiality cannot be guaranteed. The VSC will evaluate requests for confidentiality on a case-by-case basis, within the context of its desire to provide a safe and nondiscriminatory environment for all students, employees and third parties, and to promote the health, safety, and wellbeing of the VSC community.

If an individual filing a report insists that their name or other identifiable information not be revealed and the VSC is able to respect that request, the VSC's ability to respond fully to the report may be limited. For example, if a grievance process is commenced against a member of the campus community, that person will be informed as provided in the Chancellor's Procedures of the name of the complainant and information regarding the nature of the allegations in order to defend against the allegations in that process. Thus, the VSC may not be able to maintain a request for confidentiality and also adjudicate a complaint. If an individual

[3] As noted in the definitions below, a "respondent" is an individual who has been reported to have engaged in conduct in violation of this policy and whose alleged conduct is being investigated to determine if it is in violation of VSC's policies.

insists on confidentiality, the VSC may be able to take action to limit the effects of the alleged Prohibited Conduct and prevent its recurrence to the extent warranted and practicable.

D. Law Enforcement

If a crime of sexual harassment, sexual exploitation, domestic violence, dating violence, sexual assault, or stalking appears to have occurred, the VSC encourages accurate and prompt reporting of these crimes to the Office of Public Safety and/or to state or local law enforcement. Individuals subjected to such misconduct have the option to notify law enforcement, to be assisted by VSC officials in notifying law enforcement, or to decline to notify law enforcement. Individuals may inform law enforcement of an incident of sexual harassment, sexual exploitation, domestic violence, dating violence, sexual assault, or stalking without making a formal criminal complaint. Individuals may choose to pursue a criminal complaint, a complaint through the VSC's disciplinary process, or both simultaneously. Individuals who choose not to notify law enforcement immediately have the option to notify law enforcement at a later time. Completing a forensic exam is important to preserve evidence and does not require the examinee to file a police report. Reports to law enforcement are not confidential.

VIII. DEFINITIONS

A. Prohibited Conduct[4]

This Policy 311-A 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, Domestic Violence, Dating Violence and sex-based Stalking within the scope of Title IX); and

Non-Title IX Sexual Misconduct (i.e., 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 Sexual Misconduct are defined as follows for purposes of this Policy 311-A:

1. *Title IX Sexual Harassment*

"Title IX Sexual Harassment" is a subset of Prohibited Conduct. Under Department of Education

[4] The definitions of dating violence, domestic violence, sexual assault, and stalking used in this policy are consistent with the Clery Act, as amended effective 2014, and Title IX and its current regulations. In its primary prevention and awareness programs for incoming students and new employees, as well as in its primary prevention and awareness programs for students and employees, the VSC will include the definitions of dating violence, domestic violence, sexual assault, and stalking under the criminal law of Vermont. However, the VSC utilizes its own definitions of these prohibited behaviors, which are consistent with the Clery Act and Title IX and its current regulations as set forth below, for purposes of this policy, and determines responsibility for violations of this policy through its own procedures and standards of proof (i.e., by a preponderance of the evidence standard), not through the procedures or standards of proof employed in the criminal justice system.

regulations (see 34 C.F.R., Part 106) issued in May 2020 to implement Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., VSC 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 VSC, in the United States. Further, in order for VSC 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 VSC program or activity at the time the complaint is filed.

Conduct takes place within VSC's "programs and activities" when that conduct occurs: (1) in a location, at an event, or in a circumstance where VSC 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 VSC. Conduct that occurs off campus in locations or at events with no connection to VSC is unlikely to have occurred in a program or activity of VSC.

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

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

a. ***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 VSC in the United States by which an employee of VSC conditions the provision of an educational or employment aid, benefit, or service of VSC on a student's or employee's participation in unwelcome sexual conduct.

b. ***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 VSC 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 VSC education program or activity, whether in the employment or educational context.

c. ***Title IX Sexual Assault***

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

- **Rape**:[5]
    - 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

[5] Both completed rape and attempted rape is prohibited by this policy.

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);

- 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;
- 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;

- **Sexual Contact**: The intentional touching of another person's clothed or unclothed body parts without consent, for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This definition explicitly applies when the victim is incapable of giving consent due to age, mental or physical impairment (temporary or permanent).
- ;

- **Incest**: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or

- **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 meeting this definition is considered a crime for the purposes of Clery Act reporting. It is also a violation of VSC policy and is prohibited.

d. ***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 VSC in the United States that constitutes "[v]iolence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

(i) 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.

(ii) For the purposes of this definition— (A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. (B) Dating violence does not include acts covered under the definition of domestic violence."[6]

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting. It is also a violation of VSC policy and is prohibited.

e. ***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 VSC in the United States that constitutes a "felony or misdemeanor crime of violence committed—

(A) By a current or former spouse or intimate partner of the victim;

(B) By a person with whom the victim shares a child in common;

(C) By a person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner;

(D) 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

(E) 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."[7]

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting. It is also a violation of VSC policy and is prohibited.

f. ***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 VSC in the United States that constitutes "[e]ngaging in a course of conduct directed at a specific person that would cause a reasonable person to—

(A) Fear for the person's safety or the safety of others; or

(B) Suffer substantial emotional distress.

(ii) For purposes of this definition—

[6] 34 C.F.R. § 106.30(a); 34 C.F.R. § 668.46(a).
[7] 34 C.F.R. § 106.30(a); 34 C.F.R. § 668.46(a).

(A) 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.

(B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

(C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling."[8]

Any incident(s) meeting this definition is/are considered a crime for the purposes of Clery Act reporting. It is also a violation of VSC policy and is prohibited.

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 that 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.

Engaging in such stalking behaviors or activities is a violation of VSC policy and is prohibited.

2. *Non-Title IX Sexual Misconduct*

Non-Title IX Sexual Misconduct is Prohibited Conduct that falls within the scope of this policy and 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 VSC in

[8] 34 C.F.R. § 668.46(a).

the United States.[9] Such conduct is defined for purposes of this policy as:

a. ***Non-Title IX Sexual Assault***

Sexual Assault (i.e., rape, sexual contact, 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 VSC in the United States, and attempts to commit such misconduct.

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting. It is also a violation of VSC policy and is prohibited

b. ***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 VSC in the United States.

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting. It is also a violation of VSC policy and is prohibited

c. ***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 VSC in the United States.

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting. It is also a violation of VSC policy and is prohibited

d. ***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 VSC 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.

Any incident(s) meeting this definition is/are considered a crime for the purposes of Clery Act reporting. It is also a violation of VSC policy and is prohibited.

e. ***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,

[9] Misconduct that does not fall within either the definitions below or the definition of Title IX Sexual Harassment, but that does fall within the scope of Policy 311: *Prevention of Discrimination*, which prohibits among other things certain types of discrimination and harassment on the basis of sex, gender identity, and sexual orientation, will be addressed through the *Chancellor's Procedures for the Implementation of Policy 311: Prevention of Discrimination.*

but are not limited to: (1) prostituting another person; (2) recording or capturing (through any means) images, video or audio of another person's sexual activity, intimate body parts, or nudity without that person's consent, and/or sharing or distributing this material without the other person's consent; (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.

Exception: The VSC's prohibition of sexual exploitation is not intended to prohibit the use of sexually-explicit materials that are reasonably related to the VSC's academic mission. Specifically, this section is not intended to proscribe or inhibit the use of sexually-explicit materials, in or out of the classroom, when in the judgment of a reasonable person the use of such materials appropriately promotes genuine discourse, inquiry and learning.

Sexual exploitation as defined here violates VSC policy and is prohibited.

B. Additional Definitions Applicable to This Policy

Coercion: The act of compelling or forcing someone to act based on harassment, threats, or intimidation.

Complainant: A complainant is an individual who is reported to have experienced conduct that could constitute Prohibited Conduct, regardless of whether the individual makes a report or seeks disciplinary action. In some cases (such as, e.g., cases in which a person involved in an incident of alleged Prohibited Conduct does not wish to participate in the process but VSC decides that the alleged misconduct needs to be investigated), VSC may pursue an investigation and adjudication under this policy without a designated complainant, in accordance with the Chancellor's Procedures. In these cases, VSC may extend some or all of the rights of a complainant as defined in this policy to affected parties as deemed appropriate by VSC and/or as required by law.

For ease of reference, the term "complainant" is also used throughout this policy to refer generally to an individual who was reported by another to have been subjected to Prohibited Conduct, even if they do not participate in any related process.

Consent: For purposes of this policy, effective consent means words or actions that demonstrate to a reasonable person a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Effective consent cannot be gained by threat, force, coercion or intimidation or by ignoring words or actions that indicate a lack of consent or objection to the activity. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent can be rescinded at any time. It is the responsibility of a person who wants to engage in sexual activity to ensure that they have effective consent from any other person involved. Silence, lack of protest, or lack of resistance are not sufficient standing alone to establish consent. The actions of the individuals involved and the context in which those actions occurred will be considered in determining whether or not there was consent. The existence of a dating relationship or a past sexual relationship between the persons involved is not a

sufficient basis to assume consent. Past consent between two individuals does not imply present or future consent to sexual activity.

Consent is not valid when a person is incapable of giving consent: (1) due to the person's use or consumption of drugs or alcohol; (2) when intimidation, threats, physical force, or other actions that are coercive are applied; (3) when a physical or mental condition is present such that the person cannot knowingly or voluntarily give consent; or (4) when a person is under the age of 16.

Alcohol-related incapacity results from a level of alcohol ingestion that is more severe than mere impairment, being under the influence, drunkenness or intoxication. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation. The question of incapacitation is determined on a case-by-case basis using both objective and subjective standards and includes by way of example but not limitation an analysis of the objective behaviors of the person alleging Prohibited Conduct, whether the accused person knew or reasonably should have known that the person was incapacitated, and whether the accused person played a role in creating the circumstances of incapacity. Whether the respondent knew or reasonably should have known the complainant was incapacitated will be assessed in light of all relevant circumstances. Objective physical indications of incapacity include slurred speech, difficulty walking or standing, vomiting, and losing consciousness.

The use of alcohol or other drugs does not make a complainant at fault for Prohibited Conduct. The use of alcohol or other drugs does not minimize or excuse a person's responsibility for committing Prohibited Conduct. Nor does the use of alcohol or other drugs minimize or excuse a person's responsibility for determining whether another person is capable of giving consent, as described above.

Officials With Authority: Officials with authority to institute corrective measures regarding matters involving Prohibited Conduct include the Title IX Coordinator at each VSC campus, any Deputy Title IX Coordinators on campus, the Dean of Students, the Academic Dean or Provost, and the President or their designee. As outlined in more detail in the Chancellor's Procedures, 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 Chancellor's Procedures.

Respondent: A respondent is an individual who has been reported to have engaged in conduct that could constitute Prohibited Conduct and whose alleged conduct is being investigated to determine if it is in violation of VSC's policies.

Retaliation: Retaliation (that is, 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 Sexual Misconduct)) 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, may constitute retaliation, as does any adverse action taken against a person for making a good faith report of Prohibited Conduct or participating 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.

VSC 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. Complaints of retaliation should be reported, and will be addressed, through the procedures for Non-Title IX Sexual Misconduct outlined in the Chancellor's Procedures.

Depending on the particular circumstances, retaliation may also be unlawful. Retaliation as defined here violates VSC policy and is prohibited.

IX. PROCEDURES

The Chancellor shall establish and periodically update the procedures for handling complaints of Prohibited Conduct to ensure that the process is prompt, fair and impartial.

The standard of proof applicable in investigating and resolving complaints under this policy shall be "by a preponderance of the evidence," meaning that it is more likely than not (i.e., there is more than a 50% likelihood) that the alleged actions or behavior in violation of the policy occurred.

The procedures established by the Chancellor may be modified as necessary to comply with federal and state law so that the VSC may respond promptly and effectively to incidents of Prohibited Conduct.

X. COOPERATION WITH INVESTIGATIONS AND PROCEEDINGS

All students and employees are strongly encouraged to cooperate in investigations undertaken pursuant to this policy and are expected to provide complete, accurate, and truthful information when they do so. They may be asked to sign statements or other documents memorializing the information they provide, and non-party witnesses may be asked to keep the substance of any interview confidential.

All actions taken to investigate and resolve complaints pursuant to this policy shall be conducted with as much privacy and discretion as practicable without compromising the thoroughness and fairness of the investigation. All persons involved are expected to treat the situation under investigation with respect. To conduct a thorough investigation, the

investigator(s) may discuss the complaint with witnesses and those persons involved in or affected by the complaint, and those persons necessary to assist in the investigation or to implement appropriate disciplinary actions. Nothing herein shall be deemed to limit the procedural rights of unionized and other employees with regard to such investigations.

XI. SANCTIONS

Violation of the prohibitions set forth in this policy is grounds for discipline up to and including the dismissal/expulsion of students or the termination of employees. Generally, the range of sanctions for **students** includes verbal and written warnings, written reprimands, counseling, loss of privileges, probationary status, removal from campus housing, suspension, dismissal/expulsion, revocation of degree, and/or withholding of transcript or other action determined to be appropriate under the circumstances. Generally, the range of sanctions for **employees** includes verbal warnings, written warnings, written reprimands, probation, suspension, termination of employment, non-renewal of a contract, or other action determined to be appropriate under the circumstances.

The VSC may also impose certain non-disciplinary remedial actions where appropriate, such as required counseling or training for the respondent and/or a group of students or employees, to stop the misconduct, prevent its recurrence, and remedy its effects. Additional non-disciplinary outcomes, such as extending and modifying no contact orders, room changes, class changes, work schedule changes, building restrictions, and extracurricular activity restrictions may also be imposed, regardless of the finding, to maintain an environment free from Prohibited Conduct and/or retaliation.

XII. OTHER POLICY VIOLATIONS

The VSC's primary goals in responding to complaints of Prohibited Conduct are to promote the safety of the VSC community, to address the misconduct, to prevent it from recurring, and/or to restore or preserve the complainant's access to VSC's educational programs or activities. A person (whether a complainant or another reporting person) should not be deterred from reporting a violation of this policy because alcohol, drugs, or other violations of VSC's policies were involved in the incident. VSC officials may, in their discretion and on a case-by-case basis, decide not to pursue relatively minor drug, alcohol or other policy violations related to incidents of misconduct under this policy or, if they do pursue such violations, to handle them separately from complaints brought under this policy. No such violations will be handled by the VSC in a manner that violates the anti-retaliation policy stated above.

Misconduct that does not meet the definition of Prohibited Conduct may violate other VSC policies, student handbooks, codes of conduct, or collective bargaining agreements and, if so, may be handled as set forth in such other documents or, at the discretion of the VSC, where related misconduct involves reported Prohibited Conduct and misconduct prohibited by such other policies, it may be handled under the procedures for Non-Title IX Sexual Misconduct that are outlined in the Chancellor's Procedures.

Signed by:

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Elizabeth K. Mauch, Chancellor

Date	Version	Revision	Approved By
9/24/14	1.0	Adopted	VSCS Board of Trustees
7/23/15	2.0	Updated	VSCS Board of Trustees
8/12/20	3.0	Updated per 2020 Title IX regulations	VSCS Board of Trustees
8/12/2024	4.0	Updated per 2024 TIX regulations; rescinded by operation of law	VSCS Board of Trustees
6/14/2025	5.0	Updated	VSCS Board of Trustees
9/15/2025	6.0	Updated per NIBRS	VSCS Board of Trustees

Relevant Legal Authorities

• 20 U.S.C. § 1681 et seq., Title IX of the Higher Education Amendments of 1972

• 34 C.F.R. Part 106 (Title IX regulations)

• 20 U.S.C. § 1092(f), the Jeanne Clery Campus Safety Act, Section 485(f) of the Higher Education Act of 1965 (as amended)

• 34 C.F.R. § 668.46 (Clery Act regulations)

• 42 U.S.C. § 13925(a)(20), Violence Against Women Act of 1994 (as amended) (definition of personally identifying information)

• 20 U.S.C. § 1232g, the Family Educational Rights and Privacy Act of 1974 (FERPA)

• 34 C.F.R. Part 99 (FERPA regulations)

• 13 V.S.A. § 3251(3), Sexual Assault - Definitions

• 13 V.S.A. § 3252, Sexual Assault

• 13 V.S.A. § 1042, Domestic Assault

• 15 V.S.A. § 1101(2), Domestic Relations, Abuse Prevention - Definitions

• 13 V.S.A. § 1061, Stalking – Definitions

• 16 V.S.A. § 178, Harassment and Hazing Prevention Policies; Postsecondary Schools

- 16 V.S.A. § 14, Harassment; Notice and Response
- 16 V.S.A. § 11(a)(26), Classifications and Definitions, Harassment
- 16 V.S.A. § 184, Student Access to Confidential Sexual Misconduct Support Services

Cross Reference

- VSC Policy 311, *Prevention of Discrimination*
- *Chancellor's Procedures for Implementation of Policy 311-A: Prevention of Sexual Misconduct*

CHANCELLOR'S PROCEDURES FOR IMPLEMENTATION OF POLICY 311-A: PREVENTION OF SEXUAL MISCONDUCT

I. INTRODUCTION

The following procedures outline the steps available to individuals who may have been subjected to sexual harassment, sexual exploitation, domestic violence, dating violence, sexual assault, or stalking, as defined in Policy 311-A, and describe the institutional procedures for handling complaints involving such misconduct. These procedures incorporate by reference the terms and conditions of Policy 311-A, *Prevention of Sexual Misconduct*, and are to be read consistently with the requirements of any state or federal laws and regulations, and unless specifically provided otherwise in these procedures, with any collective bargaining agreement, and any personnel handbook governing the rights and responsibilities of the Vermont State Colleges ("VSC"), its Member Institutions and its employees. These procedures may be modified as necessary to comply with federal and state law and to respond promptly and effectively to incidents of sexual harassment, sexual exploitation, domestic violence, dating violence, sexual assault, and stalking. If there is any conflict between these procedures and applicable federal or state law, these procedures are to be interpreted consistent with applicable federal or state law.

II. DEFINITIONS

The definitions set forth in Policy 311-A are incorporated here by reference. The following additional definitions apply to these procedures.

"Complainant" means an individual who is reported to have experienced conduct that could constitute Prohibited Conduct, regardless of whether the individual makes a report or seeks disciplinary action. In some cases (such as, e.g., cases in which a person involved in an incident of alleged Prohibited Conduct does not wish to participate in the process but VSC decides that the alleged misconduct needs to be investigated), VSC may pursue an investigation and adjudication under this policy without a designated

complainant, in accordance with the Chancellor's Procedures. In these cases, VSC may extend some or all of the rights of a complainant as defined in this policy to affected parties as deemed appropriate by VSC and/or as required by law.

For ease of reference, the term "complainant" is also used throughout these procedures to refer generally to an individual who was reported by another to have been subjected to Prohibited Conduct, even if they do not participate in any related process.

"Dean of Students" means the Dean of Students at a Member Institution or any person carrying out that function, however named.

"Designated contact person" means those persons designated by the Office of the Chancellor and the Member Institutions to advise individuals with questions about Policy 311-A, to provide information about available resources for complainants, to assist in the reporting of an incident that may constitute a violation of Policy 311-A, and to explain the process for filing a complaint. The names of the designated contact persons at each institution shall be published online and made available at the office of the Dean of Students and the office of the Human Resources Administrator for each Member Institution, as well as the office of the Director of Human Resources at the Office of the Chancellor.

"Employee" means all VSC employees, including student employees, such as Resident Advisors and work study students (within their capacity as work study students).

"Parties" means the complainant and the respondent.

"Respondent" means an individual who has been reported to have engaged in conduct that could constitute Prohibited Conduct and whose alleged conduct is being investigated to determine if it is in violation of VSC's policies.

"Responsible College Administrator" or "RCA" means (1) the President or Dean of Students from the Member Institution where the violation allegedly occurred; (2) the Director of Human Resources at the Office of the Chancellor, if the violation allegedly occurred at the Office of the Chancellor; (3) the Chancellor, if the VSC Director of Human Resources or a President allegedly violated Policy 311-A; (4) the Chair of the Board of Trustees, if the Chancellor allegedly violated Policy 311-A; and (5) any designee of the aforementioned.

"Third Parties" means individuals who are neither students nor employees, such as visitors, parents, vendors, and independent contractors.

"Title IX Coordinator" means the administrator at each Member Institution selected by the President, and the person at the Office of the Chancellor identified and authorized by the Chancellor, to serve as Title IX Coordinator for the purposes of coordinating the VSC's efforts to comply with and carry out its responsibilities under Title IX, as well as any designee of the Title IX Coordinator. For the purposes of Policy 311-A, the Title IX Coordinator's responsibilities include overseeing the process for handling all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints. The Title IX Coordinator prepares annual reports on the nature and outcome of complaints at the institution, which are to be used for satisfying any VSC or Member Institution's legal reporting requirements and for planning and assessing progress toward the goal of preventing sexual misconduct. Contact information for the Title IX Coordinators is located in **Appendix A**

to these Procedures.

"VSC" and **"Member Institution"** refer collectively to the Vermont State Colleges and its individual Member Institutions: Community College of Vermont, and Vermont State University, however named or configured.

III. CONTACT INFORMATION

Any person (including students, employees, and third parties) who believes that they have been subjected to sexual harassment, sexual exploitation, domestic violence, dating violence, sexual assault or stalking ("Prohibited Conduct" and as defined further in Policy 311-A), or who has information about such an incident, may seek advice or information from the Title IX Coordinator, designated contact persons, or Responsible College Administrators. Such individuals have the option to notify law enforcement, to be assisted by VSC officials in notifying law enforcement, or to decline to notify law enforcement.

The VSC encourages all members of the VSC community affected by Prohibited Conduct to seek immediate assistance. Seeking prompt assistance is important to promote a person's physical safety, to obtain medical care or other support, and to preserve evidence for any legal or disciplinary action. Preservation of evidence is important even if an individual initially chooses not to pursue a complaint, criminal charge or protective order, because the individual may decide to do so at a later time.

Contact information for: (1) trained campus and community advocates and counselors who can provide an immediate confidential response in a crisis situation; and (2) Public Safety, state and local law enforcement, and other first responders, shall be published on VSC websites (currently: https://resolve.vsc.edu/) and made available at the offices of the Chancellor, President, Dean of Students, Human Resources, Public Safety, and counseling/student health center.

IV. SUPPORT AND ASSISTANCE

(A) Court Orders

The VSC is committed to promoting the safety and well-being of individuals who are being or who may have been subjected to sexual harassment, sexual exploitation, domestic violence, dating violence, sexual assault, or stalking. Such individuals may have the right to obtain orders of protection, restraining orders and/or relief from abuse orders from Vermont courts. Upon request, the VSC will assist individuals in making contact with law enforcement authorities and other external resources to seek such orders. This assistance is available regardless of whether an individual chooses to file a complaint with the VSC.

(B) Supportive Measures

Individuals do not have to file a formal complaint, participate in a disciplinary process, or file a criminal

complaint in order to request supportive measures from the VSC. Supportive measures are individualized services offered as appropriate, not for punitive or disciplinary reasons, 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 VSC's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the VSC's educational environment, or deter Prohibited Conduct.

Supportive measures may include but are not limited to:

- counseling;
- academic accommodations, such as extensions of deadlines or other course-related adjustments, course changes or late drops, or other arrangements as appropriate;
- modifications of work or class schedules;
- campus escort services;
- mutual restrictions on contact between the parties;
- residential accommodations, including but not limited to arranging for new housing, or providing temporary housing options, as appropriate;
- changes in work locations;
- leaves of absence;
- increased security and monitoring of certain areas of campus;
- changing transportation or working arrangements or providing other employment accommodations, as appropriate;
- assisting the individual in accessing support services, including, as available, victim advocacy, academic support, counseling, disability, health or mental health services, visa and immigration assistance, student financial aid services, and legal assistance both on and off campus, as applicable (visit https://resolve.vsc.edu/ for further information);
- no trespass notices prohibiting the presence of an individual on VSC property, and/or other properties on which VSC programs are occurring;
- informing the individual of the right to report a crime to local law enforcement and/or seek orders of protection, restraining orders, or relief from abuse orders from United States courts or courts outside of the United States as applicable, and providing assistance if the individual wishes to do so. VSC will also work with complainants and others as appropriate to respect and implement the requirements of such orders on premises that it owns or controls, as necessary and appropriate;
- and other similar measures.

Where a complainant reportedly subjected to Prohibited Conduct makes a reasonable request for supportive measures like those described above, VSC is obligated to comply with that request if such measures are reasonably available and not materially inconsistent with established academic guidelines or requirements.

Students and employees seeking supportive measures should direct their request to the Title IX

Coordinator for their campus or location. 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. Factors that may be considered in determining the appropriateness of supportive measures may include but are not limited to: the specific need expressed by the requesting individual; the age and position of the individuals involved; the severity or pervasiveness of the alleged conduct; any continuing effects of the alleged violation on the requesting individual; whether the individuals involved share the same residence hall, dining hall, classes, transportation or job location; and, whether any judicial measures, such as court orders, have been taken to protect the requesting individual.

The VSC will take reasonable steps to maintain as confidential any supportive measures provided, to the extent that maintaining such confidentiality does not impair the VSC's ability to provide the accommodations or protective measures.

Supportive measures may be offered as appropriate to the respondent, as well as to the complainant. Assessment of a party's need to receive a supportive measure will generally be made on an individualized basis, as appropriate, based on the information gathered by the Title IX Coordinator. The measures needed by each party may change over time and the Title IX Coordinator will communicate with the parties to evaluate whether the measures provided are necessary and effective based on the parties' evolving needs.

The imposition of any of these measures does not indicate a presumption of guilt, nor does it preclude subsequent disciplinary action. A no contact order in and of itself does not constitute discipline and will not appear in an employee's personnel file or on a student's disciplinary record, but refusal to comply with a no contact order (or other supportive measure) is a violation of policy and may result in disciplinary action. A no trespass notice prohibits the presence of an individual in a designated area. Such notices are legally enforceable and, if violated, may lead to arrest.

(C) Interim Suspension, Emergency Removal and Administrative Leave

1. Interim Suspension of Students in Non-Title IX Sexual Misconduct Cases

In cases that fall within the definition of Non-Title IX Sexual Misconduct found in Policy 311-A, if the VSC has reasonable cause to believe that a student reported to have committed Non-Title IX Sexual Misconduct poses a substantial threat to themselves, the complainant, other people, property, or the continuance of normal VSC operations, the VSC may suspend the student for an interim period, pending the outcome of the disciplinary process. Careful consideration should be given to alternative supportive measures, such as changing class schedules, changing residence hall assignments, and issuing no contact orders or building access restrictions, before imposing an interim suspension, so as to avoid depriving a student of their education where possible. Consideration should also be given to providing a respondent with remote access to classes, where available and feasible under the circumstances.

An interim suspension will not be imposed without prior notice to the student (either written or oral) of the contemplated suspension and a summary of the factual basis for it. The student shall have forty-eight hours in which to submit a letter to or appear personally or virtually before the Dean of Students (or the Dean's designee) to contest the interim suspension. The Dean of Students (or the Dean's designee) shall consider factors such as: (1) the reliability of the identification of the student; and (2)

whether the alleged conduct, if true, based on the surrounding circumstances, reasonably indicates that the continued presence of the student on campus poses a substantial threat to themselves, the complainant, other people, property, or the normal operations of the VSC. The Dean (or the Dean's designee) may require the student to meet certain conditions in lieu of an interim suspension. Unless the Dean of Students (or the Dean's designee) determines that it would be unreasonably difficult or dangerous to delay the interim suspension, the student shall have the opportunity to be heard in person, virtually or in writing before the interim suspension takes effect.

2. Emergency Removal of Students or Employees in Title IX Sexual Harassment Cases

When VSC 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 in Policy 311-A, VSC can remove a respondent from the education program or activity (which may include removing an employee respondent from their employment at VSC per the applicable terms of the any pertinent bargaining unit agreement or personnel handbook) and issue any necessary related no-trespass and no-contact orders. VSC will make the decision to remove a respondent from the education program or activity based on an individualized assessment and risk analysis.

If VSC 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 the Dean of Students (or the Dean's designee), if a student-respondent, or before the President (or the President's designee) if an employee-respondent, to contest the interim suspension (though a meeting could be scheduled sooner if requested by the respondent, if practicable or required per the terms of the applicable bargaining unit agreement or personnel handbook).

c. Non-student Administrative Leave in Title IX Sexual Harassment Cases

VSC 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, consistent with the terms of the applicable bargaining unit agreement or personnel handbook.

VSC may also place a non-student employee respondent on unpaid administrative leave during the pendency of an investigation and resolution process, consistent with the terms of the applicable bargaining unit agreement or personnel handbook. In those instances in which VSC determines that an administrative leave will be unpaid and the respondent was not offered the opportunity to challenge the suspension without pay before it was imposed through some other process, the respondent may present a written challenge regarding the need for or the adequacy of the unpaid administrative leave to the President or their designee, if the respondent is employed at a VSC institution, or the Chancellor or their designee if the respondent is a President or employee at the Chancellor's Office.

V. REPORTING SEXUAL MISCONDUCT, SEXUAL EXPLOITATION, DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

(A) Report by Complainants or Others with Information

Any person (including students, employees, and third parties) who believes that they have been subjected to sexual harassment, sexual exploitation, domestic violence, dating violence, sexual assault, or stalking, or who has information about an alleged incident of such Prohibited Conduct, may report the incident to the Title IX Coordinator, a designated contact person, a Responsible College Administrator, Public Safety, or Human Resources.

Individuals with a disability may request accommodations to ensure their full and equal participation in reporting incidents of such Prohibited Conduct, as well as the investigatory and adjudicatory process under this policy. Requests for accommodations in the Policy 311-A process are determined on an individual basis by the Title IX Coordinator, in consultation with the ADA/Section 504 Coordinator as appropriate.

(B) Reporting Obligations of Employees

Except in circumstances where an employee is acting within the scope of their role as a specifically-designated confidential resource, employees who are aware or have been made aware of an incident of sexual harassment, sexual exploitation, domestic violence, dating violence, sexual assault, or stalking are required to report this information to one of the following: the Title IX Coordinator, the Dean of Students, the President, or, if the employee works in the Office of the Chancellor, to the Director of Human Resources.

Employees are not expected to and should not investigate alleged incidents, unless this is part of their job duties or they are assigned to investigate a complaint made under this policy. The report should include all known relevant details, including a description of the alleged incident, the names of anyone involved or present, the date, time, and location.

Failure by an employee to report a complaint or alleged acts of sexual harassment, sexual exploitation, domestic violence, dating violence, sexual assault, or stalking is considered a violation of policy and may result in disciplinary action. The procedures and mutual obligations of the VSC and the employee the relevant collective bargaining agreement, or the VSC personnel handbook, will apply to any such disciplinary action.

(C) Reporting to Law Enforcement Agencies

The VSC encourages accurate and prompt reporting of all crimes to Public Safety and/or to state and local enforcement, when the victim of a crime elects to make a report, as well as when the victim is unable to make a report due to physical or mental incapacity. Definitions of consent and the crimes of dating violence, domestic violence, sexual assault, and stalking under Vermont law are set forth in **Exhibit B** to these Procedures. Contact information for Vermont's Special Investigation Units, by county, is set forth in **Exhibit C** to these Procedures. Additional contact information for local law enforcement agencies shall be published on VSC websites (visit https://resolve.vsc.edu/) and made available at the offices of the Chancellor, President, the Dean of Students, Human Resources, Public Safety, and any campus counseling/health center.

The VSC will not wait for the conclusion of a criminal investigation or proceeding to process complaints or begin its own investigation under this policy. The VSC will, however, comply with valid requests by law enforcement for cooperation in a criminal investigation and may, if so requested, temporarily delay

an investigation while law enforcement initially gathers evidence.

In certain circumstances, the VSC may need to report an incident of sexual harassment, sexual exploitation, domestic violence, dating violence, sexual assault, or stalking to law enforcement, such as where the incident warrants undertaking safety and security measures for the protection of an individual and/or the VSC community, including but not limited to situations where there is clear and imminent danger and/or where a weapon may be involved. The complainant may choose whether to assist law enforcement.

VI. REPORTING AND INITIAL PROCEDURES REGARDING REPORTS OF PROHIBITED CONDUCT

(A) Reporting

Any VSC student, faculty member, staff member or third party who has reasonable cause to believe that sexual harassment, sexual exploitation, domestic violence, dating violence, sexual assault or stalking has occurred or is occurring should report this information to the immediate attention of the appropriate Title IX Coordinator. Contact information can be found in Appendix A.

A report or complaint may be made verbally (in person, by phone, or videoconferencing) during applicable business hours, or in writing (via mail, email or through https://resolve.vsc.edu/) 24 hours per day, 7 days per week.

1. Reports Regarding Students

A report regarding sexual harassment, sexual exploitation, domestic violence, dating violence, sexual assault, or stalking by a student shall be filed with the Title IX Coordinator.

2. Reports Regarding Employees

A report regarding sexual harassment, sexual exploitation, domestic violence, dating violence, sexual assault, or stalking by an employee shall be filed with the Title IX Coordinator. A complaint against a Title IX Coordinator shall be filed with the President of the Member Institution, who will designate an alternate contact person. A complaint against a President shall be filed with the Chancellor, who will designate an alternate contact person. A formal complaint against an employee in the Office of the Chancellor shall be filed with the VSC Director of Human Resources (or the Director's designee). A complaint against the VSC Director of Human Resources shall be filed with the Chancellor, who will designate an alternate contact person. A formal complaint of such misconduct against the Chancellor shall be filed with the Chair of the Board of Trustees.

Respondents who are represented by a union may exercise their rights, pursuant to federal and state labor law, through these procedures, including, but not limited to, the right to have a union representative present for any interview or meeting.

3. Reports Regarding Third Parties

A report regarding sexual harassment, sexual exploitation, domestic violence, dating violence, sexual assault, or stalking committed by a third party shall be filed with the Title IX Coordinator. The VSC's

ability to take disciplinary action against a third party may be limited, depending on the particular circumstances, but may include banning the third party from campus.

(B) Initial Communication with Complainant

If the report alleges conduct that would, if proved, be prohibited by Policy 311-A, the Title IX Coordinator will:

- promptly contact the complainant to discuss the availability of supportive measures as defined above;
- 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.

(C) Formal Complaints

After an initial discussion, the complainant will be asked to prepare a written statement describing the alleged conduct. The statement should include information such as (if known) the date and time of the alleged misconduct, the name of the respondent, the circumstances surrounding the alleged conduct, and the identity of any person who may have knowledge or information about the conduct. The complainant may incorporate by reference a previously-prepared statement (such as an e-mail, an affidavit, or a statement provided to law enforcement). The Title IX Coordinator may alternatively draft a statement, based upon the complainant's verbal description of the alleged conduct, for the complainant's review and approval. To be considered a formal complaint, this document must be filed by a complainant, signed personally or electronically by the complainant (or signed by the Title IX Coordinator under circumstances outlined below), and request that VSC investigate reported Prohibited Conduct.

(D) 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 in Policy 311-A;

2) determine whether the conduct allegedly occurred in VSC'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 VSC program or activity.

If a formal complaint of conduct that would, if proved, satisfy all four of these elements and constitute Title IX Sexual Harassment as defined in this policy is received 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.

VSC 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. 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 four of these elements and a formal complaint is received from a complainant or signed by the Title IX Coordinator, VSC will, in its discretion, 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 follow Title IX Sexual Harassment procedures to address the alleged Title IX Sexual Harassment, and it will, to promote efficiency, choose to follow Title IX Sexual Harassment procedures to address Non-Title IX Sexual 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).

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 four of these elements, VSC will, as required by current Title IX regulations, dismiss the matter for purposes of the Title IX Sexual Harassment process, and will transfer it for handling under the Non-Title IX Sexual Misconduct procedures outlined here or in other VSC procedures, as deemed appropriate by VSC.

Even if the allegations of a matter fall within the definition of Title IX Sexual Harassment, VSC 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 or employed by VSC; or
- specific circumstances prevent VSC from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

If a formal complaint is dismissed by VSC under the circumstances described above, VSC 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 Title IX Sexual Harassment 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.

(E) Notice

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

- Information about VSC'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 VSC's presumption of good faith reporting and a summary of the false information policy outlined in Policy 311-A; and
- 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 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 VSC policy.

In Title IX Sexual Harassment cases, the notice will also notify parties that they may inspect and review evidence during the investigation and resolution process, as provided below.

Copies of the written notice to the respondent shall be provided to the complainant, the Title IX Coordinator, the investigators, and VSC's general counsel.

If, in the course of an investigation, VSC 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.

(F) Consolidation of Formal Complaints

VSC may consolidate formal complaints as to allegations of Title IX Sexual Harassment and/or Non-Title

IX Sexual Misconduct 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.

(G) Acceptance of Responsibility

If at any point during an investigation, a respondent chooses to accept responsibility under this policy and the Title IX Coordinator has concluded that the respondent is doing so with full knowledge of their rights to participate in the investigation and resolution procedures described below, the RCA may issue a determination and impose disciplinary sanctions upon the respondent in accordance with Article IX below. The RCA may also take other action that is reasonably calculated to address the conduct and prevent its recurrence, including further investigation of the allegations. By accepting responsibility and the imposition of any assigned disciplinary sanction, the respondent waives the right to appeal.

VII. INVESTIGATIONS

(A) Appointing Investigators

The Title IX Coordinator will appoint at its discretion an investigator or investigators[1] who is/are impartial, qualified, and trained, to investigate complaints alleging violations of Policy 311-A. Investigators may be employees of the Member Institution (including the Title IX Coordinator) other VSC employees, or outside investigators.

In selecting the investigator 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 against complainants or respondents generally or an individual complainant or respondent. The complainant or respondent may raise an objection to the selection of a particular investigator if either believes there is a conflict of interest or demonstrable or reasonably perceived bias on the part of the investigator. Any such objections must be raised upon receipt of notice of the appointments. The RCA shall have final authority in the appointment of investigators.

(B) Conducting the Investigation

The investigator will conduct an investigation that is prompt, fair, impartial, and appropriate under the circumstances. The nature and scope of the investigation is within the discretion of the investigator.

The investigation will be conducted as promptly as possible, without compromising thoroughness. The investigator will endeavor to prepare their report within 45 calendar days from their appointment to serve as investigator, excluding scheduled breaks during the fall and spring semesters and other VSC Holidays or closures. This timeframe may be extended for good cause with written notice to the parties of the delay and the reason(s) for the delay.

(1) Witnesses and Evidence

The investigator will interview the complainant, respondent, and any witnesses separately. The

[1] For ease of reference, the singular "investigator" will be used throughout the remainder of these procedures.

complainant and respondent will be asked to identify: (a) relevant evidence they would like the investigator to review; (b) witnesses they would like the investigator to interview; and (c) questions they would like the investigator to ask the witnesses. The investigator has discretion as to what evidence to pursue, which witnesses to interview, and which questions to ask, depending on their determination of what they reasonably believe to be related to the issues in dispute.

The investigator is authorized to contact any and all individuals who may have relevant information. VSC recognizes, however, that individuals who are bound by legal privileges may not be able to disclose privileged information, unless an exception applies. The investigator is authorized to access relevant records, except those legally protected as confidential or privileged, and may collect any additional evidence relevant to the complaint. The investigator will not access, consider, disclose or otherwise use a party's privileged records without the party's voluntary, written consent to do so, and such information will not be deemed relevant to an investigation or adjudication absent the voluntary, written consent of the party.

(2) Advisors

Complainants and respondents are entitled to the same opportunity to have an advisor of their choosing present at any interview or meeting they have with an investigator.[2] Any such advisor may advise the complainant or respondent privately, but cannot act as a speaking advocate. An investigator may terminate the meeting and proceed with the investigation based on otherwise-available information if an advisor refuses to comply with these requirements. Because a Policy 311-A investigation may lead to discipline, a respondent who is a bargaining unit member has the right to be accompanied to the interview by a union representative.

(3) Additional Policy Violations

If, in the course of the investigation, other allegations against the respondent surface which could result in discipline under this policy, other VSC policies, policies of the Member Institution, any collective bargaining agreement, or personnel handbook, the investigator will inform the respondent, in writing, of such allegations and the respondent will be given an opportunity to respond to the additional allegations before the investigators submit their report. If the alleged additional violations are related to the allegations contained in the complaint, they will be handled through the procedures otherwise applicable to allegations in the formal complaint, as provided below. If the alleged additional violations are unrelated to the allegations contained in the complaint, the VSC may choose to address these separately and not as part of the ongoing investigatory and adjudicatory process.

(4) General Investigation Provisions Applicable Only to Title IX Sexual Harassment Matters

The following general investigation-related provisions are applicable only to the investigation of matters that fall within the definition of Title IX Sexual Harassment, as required by current Title IX regulations. In such matters, the following provisions will apply:

[2] A party may change advisors during the course of the investigatory and adjudicatory process. A party may request that the Title IX Coordinator and/or the investigators copy their advisor on communications with the party. Typically, each party may have only one advisor present at an interview or meeting, however, in extenuating circumstances, the Title IX Coordinator may grant a party's request for permission to have an additional advisor or support person attend a meeting or interview during the investigation adjudicatory process. A party may have a different advisor during the investigation than the advisor they have to conduct cross-examine during the hearing in the matter, as discussed below.

- 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.[3]

(C) Preliminary Investigative Report

In both Title IX Sexual Harassment matters and Non-Title IX Sexual Misconduct matters, when the investigator has completed witness interviews and the gathering of evidence as deemed appropriate by the investigator, 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 Policy 311-A or any other VSC policy at issue.

1. Preliminary Report Provisions Applicable only to Title IX Sexual Harassment Matters

In Title IX Sexual Harassment cases, the following additional provisions will apply during the preliminary investigative report stage of the investigation:

- VSC 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 VSC 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.

- VSC 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 VSC'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 VSC discipline under applicable conduct codes.

[3] Parties to Non-Title IX Sexual Misconduct matters will receive adequate notice of meetings and hearings, but such notice may not include all of these elements.

(D) Review and Response to Preliminary Investigative Report

In both Title IX Sexual Harassment and Non-Title IX Sexual Misconduct matters, the complainant and the respondent will have an opportunity to review the preliminary 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 report is sent 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, and, if the investigator, in consultation with the Title IX Coordinator, determine the new information is sufficiently material to the investigation, the complainant and the respondent will be provided a second opportunity to review and provide a written response regarding the new information within five calendar days, which the investigator will consider prior to completion of the final investigative report. Identification of new and relevant information after the parties' review of the preliminary report is likely to extend the time frame of the investigation.

(E) Final Investigative Report.

1. Final Investigative Report Generally

In both Title IX Sexual Harassment matters and Non-Title IX Sexual Misconduct matters, 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 may include the investigator's recommendation as to whether the respondent should be found responsible for violating the policy provisions at issue. The investigator's recommendation, if any, 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, and a copy will also be provided to the VSC's general counsel.

2. Final Investigative Report Provisions Applicable Only to Title IX Sexual Harassment Matters

The following provisions regarding the final investigative report will apply in Title IX Sexual Harassment matters:

- 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, VSC 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.

VIII. HEARINGS

A. Hearing and Resolution Provisions Applicable Only to Title IX Sexual Harassment Matters

1. Hearings

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

2. 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 against complainants or respondents generally or an individual complainant or respondent. VSC will notify the parties of the identity of the hearing officer in advance of the hearing, and parties may, within three calendar days of sending 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.

3. 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, VSC will without fee or charge to the party provide an advisor of VSC'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 VSC will know whether or not it needs to arrange for the presence of a VSC-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. VSC 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 VSC-provided advisor and, in extreme cases, exclusion of the advisor from future hearings.

4. 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 VSC has jurisdiction to require the presence of the witness) or requested.

5. 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.

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 current 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, VSC 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 VSC'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.

If a party or witness does not submit to cross-examination at the live hearing, the hearing officer has discretion, upon evaluation consistent with applicable legal principles, to rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the hearing officer 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.

6. Record of Hearings

VSC will create an audio or audiovisual recording and/or transcript (at its discretion), of any live hearing,

and will make it available to the parties for inspection and review.

7. Determinations Regarding Responsibility

Within 30 calendar days after the hearing, the hearing officer (and, if necessary, the sanctioning officer, as provided below) will prepare and issue a written determination regarding responsibility and sanctions. In determining responsibility, the hearing officer will apply the preponderance of the evidence standard. The written determination will include:

- Identification of the section(s) of VSC's Policy 311-A 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 VSC's Policy 311-A 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 sanctions and the rationale therefor; and
- Identification of VSC'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 VSC 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 notify the parties whether remedies designed to restore or preserve equal access to the VSC's education program or activity will be provided by the VSC 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.

B. Resolution and Other Provisions Applicable Only to Non-Title IX Sexual Misconduct Matters

1. Hearings

Live hearings will be provided in Non-Title IX Sexual Misconduct matters.

2. 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 the nature and substance of any questions asked of parties and/or witnesses.

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 against complainants or respondents generally or an individual complainant or respondent. VSC 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.

3. Advisors

Each party may have an advisor of their choice present at a hearing. 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. VSC 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 alternate appointment of a VSC-provided advisor and, in extreme cases, exclusion of the advisor from future hearings

4. 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 VSC has jurisdiction to require the presence of the witness) or requested.

5. Conduct of Hearings

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.

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 to submit to the hearing officer proposed questions that they would like the hearing officer to pose to the other party. The hearing officer may at their discretion pose, rephrase, or decline to pose any and all such proposed questions. 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 may submit to the hearing officer proposed questions that they would like the hearing officer to pose to each witness. The hearing officer may at their discretion pose, rephrase, or decline to pose any and all such proposed questions. No direct cross-examination of parties or witnesses by parties or their advisors will be permitted.

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, VSC 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 VSC'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 under these procedures. The hearing officer will accept, consider and give weight to information as deemed appropriate at the discretion of the hearing officer.

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.

6. Record of Hearings

VSC will create an audio or audiovisual recording, and/or transcript (at its discretion), of any live hearing and make it available to the parties for inspection and review.

7. Determinations Regarding Responsibility

Within 30 calendar days after the hearing, the hearing officer (and, if necessary, the sanctioning officer, as provided below) will prepare and issue a written determination regarding responsibility and sanctions. In determining responsibility, the hearing officer will apply the preponderance of the evidence standard. The written determination will include:

- Identification of the section(s) of VSC's Policy 311-A 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 VSC's Policy 311-A 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 sanctions and the rationale therefor; and
- Identification of VSC's procedures, timelines and permissible bases for the complainant and respondent to appeal (as outlined below).

The determination regarding responsibility becomes final either on the date that VSC 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.

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 and, if necessary, any sanctions as determined through the procedures outlined below.

IX. SANCTIONS

(A) Student Respondents

(1) Disciplinary Action

If the hearing officer determines that a student has engaged in conduct that violates Policy 311-A (or other VSC policies, if applicable), information about the matter will be provided to the RCA, and the RCA will impose disciplinary sanctions on the student. The RCA shall consider what sanctions are: (1) fair and appropriate given the facts of the particular case, including whether the respondent has accepted responsibility for their actions, and the impact of separating a student from their education; (2) necessary to restore or preserve the complainant's equal access to the education programs or activities of the VSC; and (3) adequate to protect the safety of the complainant and the VSC community.

Possible disciplinary sanctions include verbal and written warnings, written reprimands, education, counseling, loss of privileges, probationary status, removal from campus housing,

suspension, dismissal/expulsion, revocation of degree, and/or withholding of transcript or other action determined to be appropriate under the circumstances. The sanctions of probation, removal from campus housing, and suspension will be for a particular period of time, ranging from a number of days to a number of semesters, as determined on a case-by-case basis.

Regardless of the finding, other non-disciplinary action may be taken as appropriate under the circumstances, including but not limited to room changes, class changes, building restrictions, extracurricular activity restrictions, modification of no contact orders, and other actions to restore or preserve the complainant's equal access to the education programs or activities of the VSC.

To the extent permitted by law, the complainant and respondent will be notified, simultaneously and in writing, of: (1) the hearing officer's determination (as described above); (2) the disciplinary sanctions, if any, to be imposed by the RCA; and (3) the VSC's procedures for complainants and respondents to appeal the determination and disciplinary sanctions. Again, the notification will include the rationale for the determination and for any sanctions. A copy of the hearing officer's and RCA's determination will be sent to the Title IX Coordinator and to VSC's general counsel.

(2) Time-frame

Absent extenuating circumstances, the RCA will endeavor to issue a determination as to any sanctions (or other action) within fourteen (14) calendar days after receiving notice of the hearing officer's decision regarding responsibility. This period is included within the 30-day period for the hearing officer to issue a final determination, detailed above, and may be extended for good cause, with written notification to the parties.

(B) Employee Respondents

(1) Disciplinary Action

If the hearing officer determines that an employee has engaged in conduct that violates Policy 311-A (or other VSC policies, if applicable), information about the matter will be provided to the RCA, and the RCA will impose disciplinary sanctions on the employee, consistent with the applicable terms the relevant collective bargaining agreement or the VSC personnel handbook.

Disciplinary action under existing policies and/or contracts may include verbal warnings, written warnings, written reprimands, probation, suspension, termination of employment, non-renewal of a contract, referral to a separate process (for determination of employment-status sanctions only) as defined by or provided in the applicable collective bargaining agreement, or other action determined to be appropriate under the circumstances. The sanctions of probation and suspension will be for a particular period of time, ranging from a number of days to a number of semesters, as determined on a case-by-case basis.

Regardless of the finding, other non-disciplinary action may be taken as appropriate under the circumstances, including, but not limited to, extending and modifying no contact orders, room changes, class changes, work schedule changes, building restrictions, and other actions to preserve the rights of the complainant to a safe environment.

(2) Time-frame

Absent extenuating circumstances, the RCA will endeavor to issue a determination regarding sanctions within fourteen (14) days of receiving notice of the hearing officer's decision regarding responsibility. This period is included within the 30-day period for the hearing officer to issue a final determination, detailed above, and may be shorter or longer depending on the circumstances, including any contractual rights of the parties. The parties will be notified if changes are made to the time-frame. A copy of the written determination will be sent to the Title IX Coordinator and to VSC's general counsel.

IX. APPEAL

(A) Student Respondents

In cases in which the respondent is a student, both the complainant and respondent have the right to appeal:

- the Title IX Coordinator's dismissal of a formal complaint for Title IX purposes based on the Title IX Coordinator's determination that it did not fall within the definition of Title IX Sexual Harassment; or

- the result of a hearing and/or sanctioning process, 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;

    - 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; and/or

    - the sanction is substantially disproportionate to the findings.

Within seven (7) calendar days of receiving notice of the Title IX Coordinator's dismissal for Title IX purposes or the final determination and notification of any discipline or sanctions to be imposed, the parties may appeal to the President of the Institution (or the President's designee) by delivering a written statement of appeal to the President and to the Title IX Coordinator. The Title IX Coordinator will notify the other party of the appeal and the other party will be given seven (7) calendar days in which to submit a written response to the appeal to the President (or the President's designee), with a copy to the Title IX Coordinator. Both parties will be informed simultaneously and in writing, of (1) any change to the discipline and/or sanctions imposed while the appeal is pending, and (2) the final decision, to the extent permitted by law. The decision of the President (or the President's designee) is final. A copy of the President's decision will be sent to the Title IX Coordinator and to VSC's general counsel.

(B) Employee Respondents

1. Appeals From Initial Determinations

In cases in which the respondent is an employee, both the complainant and respondent have the right to appeal the Title IX Coordinator's dismissal of a formal complaint for Title IX purposes based on the Title IX Coordinator's determination that it did not fall within the definition of Title IX Sexual Harassment. Within seven (7) calendar days of receiving the notification of such a decision by the Title IX Coordinator, the parties may appeal to the President of the Institution (or the President's designee), or to the Chancellor (or the Chancellor's designee) as appropriate, by delivering a written statement of appeal to the President or Chancellor and to the Title IX Coordinator. The Title IX Coordinator will notify the other party of the appeal and the other party will be given seven (7) calendar days in which to submit a written response to the appeal to the President (or the President's designee) or to the Chancellor (or the Chancellor's designee) as appropriate, with a copy to the Title IX Coordinator. Both parties will be informed simultaneously and in writing, of the President's or Chancellor's decision. The decision of the President (or the President's designee) or the Chancellor (or the Chancellor's designee) as appropriate, is final.

2. Appeals in Title IX Sexual Harassment Cases

In Title IX Sexual Harassment cases where the respondent is an employee, both the complainant and respondent have the right to appeal the result of a hearing and/or sanctioning process, 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 receiving the final determination and notification of any discipline or sanctions to be imposed, the parties may appeal to the President of the Institution (or the President's designee), or to the Chancellor (or the Chancellor's designee) as appropriate, by delivering a written statement of appeal to the President or the Chancellor and to the Title IX Coordinator. The Title IX Coordinator will notify the other party of the appeal and the other party will be given seven (7) calendar days in which to submit a written response to the appeal to the President (or the President's designee), or to the Chancellor (or the Chancellor's designee) as appropriate, with a copy to the Title IX Coordinator. Both parties will be informed simultaneously and in writing, of (1) any change to the discipline and/or sanctions imposed while the appeal is pending, and (2) the final decision, to the extent permitted by law. The decision of the President (or the President's designee) or the Chancellor (or the Chancellor's designee) as appropriate, is final. A copy of the President's or Chancellor's decision will be sent to the Title IX Coordinator and to VSC's general counsel.

3. Appeals in Non-Title IX Sexual Misconduct Cases

In Non-Title IX Sexual Misconduct cases where the respondent is an employee, the respondent's right to appeal shall be governed by the relevant employee collective bargaining agreement or the VSC personnel handbook for those employees not covered by a collective bargaining agreement. Both parties will be informed simultaneously and in writing, of (1) any change to the discipline and/or sanctions imposed while the appeal is pending, and (2) the final decision, to the extent permitted by law. A copy of the decision shall be sent to the Title IX Coordinator and to VSC's general counsel.

X. INFORMAL RESOLUTION

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, and in Non-Title IX Sexual Misconduct matters when deemed appropriate by the Title IX Coordinator. The VSC will not offer to facilitate an informal resolution process in any matter that involves allegations that an employee sexually harassed a student.

At any time prior to reaching a determination regarding responsibility, VSC 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, VSC 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, VSC 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.

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. VSC 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 VSC 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, consistent with the procedure developed by VSC. 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.

XI. NOTICES

For purposes of this policy, written notifications to the parties and written responses from the parties may be hand-delivered, mailed, and/or sent to or from the parties' official VSC e-mail addresses and/or other e-mail addresses if known to the VSC, and/or sent via the VSC's secure file-sharing service. The same method of communication will be used where practicable for both the complainant and the respondent.

XII. RECORD-KEEPING

The Title IX Coordinator and designated Institution officials will treat reports of sexual harassment, sexual exploitation, domestic violence, dating violence, sexual assault, or stalking and related complaints, investigative reports, and final determinations as confidential, to the extent allowed by law. The Title IX Coordinator will track these reports for statistical and reporting purposes. The Title IX Coordinator will also maintain records and post information as required by the current Title IX regulations.

XIII. EDUCATIONAL PROGRAMMING

The VSC will provide educational programming for students and employees addressing the issues of sexual harassment, sexual exploitation, domestic violence, dating violence, sexual assault, and stalking, which will include: (1) primary prevention and awareness programs for 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; and (4) ongoing prevention and awareness programs for students and employees. The VSC shall take the following steps:

- Include VSC Policy 311-A: *Prevention of Sexual Misconduct* and its implementing procedures on the VSC's Policies and Procedures page of its website (http://www.vsc.edu/about-vsc/Pages/Policies-and-Procedures.aspx) and on the websites of Member Institutions, including at https://resolve.vsc.edu/;

- Include links to Policy 311-A and its implementing procedures in appropriate publications provided to students and employees;

- Provide educational materials on sexual harassment, sexual exploitation, dating violence, domestic violence, sexual assault, stalking, and bystander intervention;

- Identify those individuals responsible for overseeing the development and implementation of prevention and awareness programs;

- Develop primary and ongoing prevention and awareness programs for students and employees;

- Select and train Title IX Coordinators;

- Select and train designated contact persons;

- Select and train investigators regularly regarding the issues related to sexual harassment, sexual exploitation, domestic violence, dating violence, sexual assault, and stalking, and how to conduct investigations that are prompt, fair, and impartial; and

- Regularly train Responsible College Administrators and any others responsible for adjudicating complaints and considering appeals regarding the issues related to sexual harassment, sexual exploitation, domestic violence, dating violence, sexual assault, and stalking, and how to conduct an adjudication process that is prompt, fair, and impartial.

The Member Institutions and the Office of the Chancellor shall continue to support, monitor and revise the educational prevention and awareness programs and informational materials as they work toward the goals of eliminating sexual harassment, sexual exploitation, domestic violence, dating violence, sexual assault, and stalking and of enhancing mutual trust and respect.

XIX. OTHER REMEDIES

Individuals who believe that their rights under Title IX have been violated may file a claim with the United States Department of Education's Office for Civil Rights:

Regional Office
Office for Civil Rights
8th Floor
5 Post Office Square
Boston, MA 02109-3921

Telephone: 617-289-0111
FAX: 617-289-0150
TDD: 800-877-8339
Email: OCR.Boston@ed.gov

National Headquarters
Office for Civil Rights
Lyndon Baines Johnson Dep't of Education Bldg
400 Maryland Avenue, SW
Washington, DC 20202-1100

Telephone: 800-421-3481
FAX: 202-453-6012
TDD: 800-877-8339
Email: OCR@ed.gov

Appendix A to Chancellor's Procedures for Implementation of Policy 311-A: Prevention of Sexual Misconduct

Office of the Chancellor:	Mary Brodsky, Dean of People and Culture (Policy 311/Title IX Coordinator) Mary.Brodsky@ccv.edu 802-828-4060
Community College of Vermont:	Angie Albeck, Associate Dean of Students (Policy 311/Title IX Coordinator Angela.Albeck@ccv.edu (802) 654-0690 Cody Miller, Director of Student Advising (Deputy Policy 311/Title IX) Cody.Miller@ccv.edu 802-786-0012
Vermont State University:	Sara Walters, Title IX and Protected Rights Coordinator (University wide) TitleIXCoordinator@vermontstate.edu
Castleton:	Sara Walters, Title IX and Protected Rights Coordinator TitleIXCoordinator@vermontstate.edu Jen Jones, AVP, Academic Support & Educational Opportunity (Deputy Policy 311/Title IX Coordinator) Jen.Jones@vermontstate.edu 802-468-6404
Johnson:	Sara Walters, Title IX and Protected Rights Coordinator TitleIXCoordinator@vermontstate.edu Sara Kinerson, AVP, Advising & Career Development (Deputy Policy 311/Title IX Coordinator) Sara.Kinerson@vermontstate.edu 802-635-1257
Lyndon:	Sara Walters, Title IX and Protected Rights Coordinator TitleIXCoordinator@vermontstate.edu Denise Bourbeau-Moses, Director of Academic Support and Disability Services (Deputy Title IX/Policy 311 Coordinator) Denise.Bourbeau-Moses@vermontstate.edu (802) 626-6424

Randolph:	Sara Walters, Title IX and Protected Rights Coordinator TitleIXCoordinator@vermontstate.edu
Williston:	Sara Walters, Title IX and Protected Rights Coordinator TitleIXCoordinator@vermontstate.edu

Inquiries regarding the application of Title IX and other laws, regulations and policies prohibiting discrimination may also be directed to the United States Department of Education's Office for Civil Rights at 5 Post Office Square, 8th Floor, Boston, MA 02109-3921; Tel: (617) 289-0111; Fax: (617) 289-0150; Email: OCR.Boston@ed.gov

Appendix B to Chancellor's Procedures for Implementation of Policy 311-A:
Sexual Harassment, Sexual Exploitation, Domestic Violence, Dating Violence, Sexual Assault, and Stalking

DEFINITIONS OF CONSENT, DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING UNDER VERMONT LAW

Dating and Domestic Violence

15 V.S.A. § 1101. Definitions

"The following words as used in this chapter shall have the following meanings: . . .

(2) 'Household members' means 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 who have dated. "Dating" means a social relationship of a romantic nature. Factors that the court may consider when 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 interaction between the parties;
(D) the length of time since the relationship was terminated, if applicable."

13 V.S.A. § 1041. Definition

"As used in this subchapter, 'family or household members' means persons who are eligible for relief from abuse under chapter 21 of Title 15."

13 V.S.A. § 1042. Domestic assault

"Any person who attempts to cause or wilfully or recklessly causes bodily injury to a family or household member, or wilfully causes a family or household member to fear imminent serious bodily injury shall be imprisoned not more than 18 months or fined not more than $5,000.00, or both."

13 V.S.A. § 1043. First degree aggravated domestic assault

"(a) A person commits the crime of first degree aggravated domestic assault if the person:

(1) attempts to cause or wilfully or recklessly causes serious bodily injury to a family or household member; or
(2) uses, attempts to use or is armed with a deadly weapon and threatens to use the deadly weapon on a family or household member; or

(3) commits the crime of domestic assault and has been previously convicted of aggravated domestic assault."

13 V.S.A. § 1044. Second degree aggravated domestic assault

"(a) A person commits the crime of second degree aggravated domestic assault if the person:

(1) commits the crime of domestic assault and such conduct violates:
(A) specific conditions of a criminal court order in effect at the time of the offense imposed to protect that other person;
(B) a final abuse prevention order issued under 15 V.S.A. § 1103 or a similar order issued in another jurisdiction;
(C) a final order against stalking or sexual assault issued under 12 V.S.A. § 5133 or a similar order issued in another jurisdiction; or
(D) a final order against abuse of a vulnerable adult issued under 33 V.S.A. § 6935 or a similar order issued in another jurisdiction.

(2) commits the crime of domestic assault; and
(A) has a prior conviction within the last 10 years for violating an abuse prevention order issued under section 1030 of this title; or
(B) has a prior conviction for domestic assault under section 1042 of this title."

<u>Consent and Sexual Assault</u>
13 V.S.A. § 3251. Definitions

"As used in this chapter:

(1) 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 any object into the genital or anal opening of another.

(2) 'Sexual conduct' means any conduct or behavior relating to sexual activities of the complaining witness, including but not limited to prior experience of sexual acts, use of contraceptives, living arrangement and mode of living.

(3) 'Consent' means the affirmative, unambiguous, and voluntary agreement to engage in a sexual act, which can be revoked at any time.
(4) 'Serious bodily injury' shall have the same meaning as in subdivision 1021(2) of this title.

(5) 'Bodily injury' means physical pain, illness or any impairment of physical condition.

(6) 'Actor' means a person charged with sexual assault or aggravated sexual assault.

(7) 'Deadly force' means physical force which a person uses with the intent of causing, or which the person knows or should have known would create a substantial risk of causing, death or serious bodily injury.

(8) ‘Deadly weapon’ means:

(A) any firearm; or
(B) any weapon, device, instrument, material or substance, whether animate or inanimate, which in the manner it is used or is intended to be used, is known to be capable of producing death or serious bodily injury.”

(9) “Law enforcement officer” means a person certified as a law enforcement officer under the provisions of 20 V.S.A chapter 151.

(10) “Incapable of consenting” means the person: (A) is incapable of understanding the nature of the conduct at issue; (B) is physically incapable of resisting, declining participation in, or communicating unwillingness to engage in the conduct at issue; or (C) lacks the mental ability to make or communicate a decision about whether to engage in the conduct at issue.

13 V.S.A. § 3252. Sexual assault

“(a) No person shall engage in a sexual act with another person:

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

(b)(1) No person 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.

(2) No person 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.

(c) No person shall engage in a sexual act with a child who is under the age of 16, except:

(1) where the persons are married to each other and the sexual act is consensual; or
(2) where the person is less than 19 years old, the child is at least 15 years old, and the sexual act is consensual.

(d) No person shall engage in a sexual act with a child who is under the age of 18 and is entrusted to the actor's care by authority of law or is the actor's child, grandchild, foster child, adopted child, or stepchild.

(e) No person shall engage in a sexual act with a child under the age of 16 if:

(1) the victim is entrusted to the actor's care by authority of law or is the actor's child, grandchild, foster child, adopted child, or stepchild; or

(2) the actor is at least 18 years of age, resides in the victim's household, and serves in a parental role with respect to the victim."

(f)(1) A person who violates subsection (a), (b), (d), or (e) of this section shall be imprisoned not less than three years and for a maximum term of life, and, in addition, may be fined not more than $25,000.00.

(2) A person who violates subsection (c) of this section shall be imprisoned for not more than 20 years, and, in addition, may be fined not more than $10,000.

(g) A person convicted of violating subsection (a), (b), (d), or (e) of this section shall be sentenced under section 3271 of this title.

13 V.S.A. § 3253. Aggravated sexual assault

"(a) A person commits the crime of aggravated sexual assault if the person commits sexual assault under any one of the following circumstances:

(1) At the time of the sexual assault, the actor causes serious bodily injury to the victim or to another.
(2) The actor is joined or assisted by one or more persons in physically restraining, assaulting or sexually assaulting the victim.
(3) The actor commits the sexual act under circumstances which constitute the crime of kidnapping.
(4) The actor has previously been convicted in this state of sexual assault under subsection 3252(a) or (b) of this title or aggravated sexual assault or has been convicted in any jurisdiction in the United States or territories of an offense which would constitute sexual assault under subsection 3252(a) or (b) of this title or aggravated sexual assault if committed in this state.
(5) At the time of the sexual assault, the actor is armed with a deadly weapon and uses or threatens to use the deadly weapon on the victim or on another.
(6) At the time of the sexual assault, the actor threatens to cause imminent serious bodily injury to the victim or to another and the victim reasonably believes that the actor has the present ability to carry out the threat.
(7) At the time of the sexual assault, the actor applies deadly force to the victim.
(8) The victim is under the age of 13 and the actor is at least 18 years of age.
(9) The victim is subjected by the actor to repeated nonconsensual sexual acts as part of the same occurrence or the victim is subjected to repeated nonconsensual sexual acts as part of the actor's common scheme and plan."

Stalking

13 V.S.A. § 1061. Definitions

"As used in this subchapter:

(1) (A) 'Course of conduct' means two or more acts over a period of time, however short, in which a person follows, monitors, surveils, threatens, or makes threats about another person, or interferes with another person's property. This definition shall apply to acts conducted by the person directly or indirectly, and by any action, method, device, or means. Constitutionally

protected activity is not included within the meaning of 'course of conduct.'

(B) As used in subdivision (A) of this subdivision (1), threaten shall not be construed to require an express or overt threat.

(2) 'Emotional distress' means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.

(3) 'Reasonable person' means a reasonable person in the victim's circumstances.

(4) 'Stalk' means to engage purposefully in a course of conduct directed at a specific person that the person engaging in the conduct knows or should know would cause a reasonable person to fear for his or her safety or the safety of another or would cause a reasonable person substantial emotional distress.

13 V.S.A. § 1062. Stalking

"Any person who intentionally stalks another person shall be imprisoned not more than two years or fined not more than $5,000.00, or both."

13 V.S.A. § 1063. Aggravated stalking

"(a) A person commits the crime of aggravated stalking if the person intentionally stalks another person, and:

(1) such conduct violates a court order that prohibits stalking and is in effect at the time of the offense;

(2) has been previously convicted of stalking or aggravated stalking;

(3) has been previously convicted of an offense an element of which involves an act of violence against the same person;

(4) the person being stalked is under 16 years of age; or

(5) had a deadly weapon, as defined in section 1021 of this title, in his or her possession while engaged in the act of stalking.

(b) A person who commits the crime of aggravated stalking shall be imprisoned not more than five years or be fined not more than $25,000.00, or both.

(c) Conduct constituting the offense of aggravated stalking shall be considered a violent act for the purposes of determining bail."

13 V.S.A. § 1064. Defenses

"In a prosecution under this subchapter, it shall not be a defense that the defendant was not provided actual notice that the course of conduct was unwanted."

<u>Orders against Stalking or Sexual Assault</u>

12 V.S.A. § 5131. Definitions

"As used in this chapter:

(1) (A) 'Course of conduct' means two or more acts over a period of time, however short, in which a

person follows, monitors, surveils, threatens, or makes threats about another person, or interferes with another person's property. This definition shall apply to acts conducted by the person directly or indirectly, and by any action, method, device, or means. Constitutionally protected activity is not included within the meaning of 'course of conduct.'

(B) As used in subdivision (A) of this subdivision (1), threaten shall not be construed to require an express or overt threat.

(2) [Repealed.]

(3) 'Nonphysical contact' includes telephone calls, mail, e-mail, social media commentary or comment, or other electronic communication, fax, and written notes.

(4) 'Reasonable person' means a reasonable person in the victim's circumstances.

(5) 'Sexually assaulted the plaintiff' means that the defendant engaged in conduct that meets elements of lewd and lascivious conduct as defined in 13 V.S.A. § 2601, lewd and lascivious conduct with a child as defined in 13 V.S.A. § 2602, sexual assault as defined in 13 V.S.A. § 3252, aggravated sexual assault as defined in 13 V.S.A. § 3253, use of a child in a sexual performance as defined in 13 V.S.A. § 2822, or consenting to a sexual performance as defined in 13 V.S.A. § 2823 and that the plaintiff was the victim of the offense.

(6) 'Stalk' means to engage purposefully in a course of conduct that the person engaging in the conduct knows or should know would cause a reasonable person to:

(A) fear for his or her safety or the safety of a family member; or

(B) suffer substantial emotional distress as evidenced by:

(i) a fear of unlawful sexual conduct, unlawful restraint, bodily injury, or death; or

(ii) significant modifications in the person's actions or routines, including moving from an established residence, changes to established daily routes to and from work that cause a serious disruption in the person's life, changes to the person's employment or work schedule, or the loss of a job or time from work.

(7) 'Stay away' means to refrain from knowingly:

(A) initiating or maintaining a physical presence near the plaintiff;

(B) engaging in nonphysical contact with the plaintiff directly or indirectly; or

(C) engaging in nonphysical contact with the plaintiff through third parties who may or may not know of the order.

(8) [Repealed.]"

12 V.S.A. § 5132. Jurisdiction and venue

"(a) The Superior Court shall have jurisdiction over proceedings under this chapter.

(b) Proceedings under this chapter may be commenced in the county in which the plaintiff resides. If the plaintiff has left his or her residence to avoid being stalked or sexually assaulted, the plaintiff shall have the option to bring an action in the county of the previous residence or the county of the new residence."

12 V.S.A. § 5133. Requests for an Order against Stalking or Sexual Assault

"(a) A person, other than a family or household member as defined in 15 V.S.A. § 1101(2), may seek an order against stalking or sexual assault on behalf of him- or herself or his or her children by filing a complaint under this chapter. A minor 16 years of age or older may file a complaint under this chapter seeking relief on his or her own behalf. The plaintiff shall submit an affidavit

in support of the order.

(b) Except as provided in section 5134 of this title, the court shall grant the order only after notice to the defendant and a hearing. The plaintiff shall have the burden of proving by a preponderance of the evidence that the defendant stalked or sexually assaulted the plaintiff.

(c) In a hearing under this chapter, neither opinion evidence of nor evidence of the reputation of the plaintiff's sexual conduct shall be admitted. Evidence of prior sexual conduct of the plaintiff shall not be admitted; provided, however, where it bears on the credibility of the plaintiff or it is material to a fact at issue and its probative value outweighs its private character, the court may admit any of the following:

(1) evidence of the plaintiff's past sexual conduct with the defendant;

(2) evidence of specific instances of the plaintiff's sexual conduct showing the source of origin of semen, pregnancy, or disease; or

(3) evidence of specific instances of the plaintiff's past false allegations of violations of 13 V.S.A. chapter 59 or 72.

(d) If the court finds by a preponderance of evidence that the defendant has stalked or sexually assaulted the plaintiff, or has been convicted of stalking or sexually assaulting the plaintiff, the court shall order the defendant to stay away from the plaintiff or the plaintiff's children, or both, and may make any other order it deems necessary to protect the plaintiff or the plaintiff's children, or both.

(e) Relief shall be granted for a fixed period, at the expiration of which time the court may extend any order, upon motion of the plaintiff, for such additional time as it deems necessary to protect the plaintiff or the plaintiff's children, or both. It is not necessary for the court to find that the defendant stalked or sexually assaulted the plaintiff during the pendency of the order to extend the terms of the order. The court may modify its order at any subsequent time upon motion by either party and a showing of a substantial change in circumstance.

(f) No filing fee shall be required.

(g) Every order under this chapter shall contain the name of the court, the names of the parties, the date of the petition, and the date and time of the order and shall be signed by the judge.

(h) Form complaints and form orders for an 'Order Against Stalking or Sexual Assault' shall be provided by the Court Administrator and shall be maintained by the clerks of the courts.

(i) When findings are required under this section, the court shall make either written findings of fact or oral findings of fact on the record.

(j) Every final order issued under this section shall bear the following language: 'VIOLATION OF THIS ORDER IS A CRIME SUBJECT TO A TERM OF IMPRISONMENT OR A FINE, OR BOTH, AND MAY ALSO BE PROSECUTED AS CRIMINAL CONTEMPT PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH.'

(k) Affidavit forms required pursuant to this section shall bear the following language: 'MAKING FALSE

STATEMENTS IN THIS AFFIDAVIT IS A CRIME SUBJECT TO A TERM OF IMPRISONMENT OR A FINE, OR BOTH, AS PROVIDED BY 13 V.S.A. § 2904.'

(l) A finding by the court pursuant to this chapter that the defendant stalked or sexually assaulted the plaintiff shall not be admissible in any subsequent civil proceedings for the purpose of establishing liability."

12 V.S.A. § 5134. Emergency relief

"(a) In accordance with the Vermont Rules of Civil Procedure, a person other than a family or household member as defined in 15 V.S.A. § 1001(2) may file a complaint for a temporary order against stalking or sexual assault. Such complaint shall be filed during regular court hours. The plaintiff shall submit an affidavit in support of the order. The court may issue a temporary order under this chapter ex parte, without notice to the defendant, upon motion and findings by the court that the defendant has stalked or sexually assaulted the plaintiff. The court may order the defendant to stay away from the plaintiff or the plaintiff's children, or both, and may make any other such order it deems necessary to protect the plaintiff or the plaintiff's children, or both.

(b) Every order issued under this section shall contain the name of the court, the names of the parties, the date of the petition, and the date and time of the order and shall be signed by the judge. Every order issued under this section shall state upon its face a date, time, and place that the defendant may appear to petition the court for modification or discharge of the order. This opportunity to contest shall be scheduled as soon as reasonably possible, which in no event shall be more than 14 days from the date of issuance of the order. At such hearings, the plaintiff shall have the burden of proving by a preponderance of the evidence that the defendant stalked or sexually assaulted the plaintiff. If the court finds that the plaintiff has met his or her burden, it shall continue the order in effect and make such other orders as it deems necessary to protect the plaintiff or the plaintiff's children, or both.

(c) Form complaints and form orders shall be provided by the Court Administrator and shall be maintained by the clerks of the courts.

(d) Every order issued under this chapter shall bear the following language: 'VIOLATION OF THIS ORDER IS A CRIME SUBJECT TO A TERM OF IMPRISONMENT OR A FINE, OR BOTH, AND MAY ALSO BE PROSECUTED AS CRIMINAL CONTEMPT PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH.'

(e) Affidavit forms required pursuant to this section shall bear the following language: 'MAKING FALSE STATEMENTS IN THIS AFFIDAVIT IS A CRIME SUBJECT TO A TERM OF IMPRISONMENT OR A FINE, OR BOTH, AS PROVIDED BY 13 V.S.A. § 2904.'"

Appendix C to Chancellor's Procedures for Implementation of Policy 311-A:
Sexual Misconduct, Domestic Violence, Dating Violence, Sexual Assault and Stalking
CONTACT INFORMATION FOR VERMONT'S SPECIAL INVESTIGATION UNITS

Addison County Addison County Unit for Special Investigations Carolyn Mellish Executive Director 35 Court Street Middlebury, VT 05753 (802) 274-5724 Carolyn.mellish@vermont.gov	**Bennington County** Bennington County Child Advocacy Center/ SIU Jenna Caslin Executive Director P.O. Box 163 129 Elm Street Bennington VT 05201 (802) 442-5107 Jenna.Caslin@partner.vermont.gov	**Caledonia and Southern Essex Counties** Caledonia Children's Advocacy Center/SIU Christopher St. Cyr Executive Director PO Box 272 Saint Johnsbury, VT 05819 (802) 424-1227 Christopher.StCyr@partner.vermont.gov
Chittenden County Chittenden Children's Advocacy Center/CUSI Tara Gonthier Executive Director 50 Cherry Street, Suite 102 Burlington, VT 05401 (802) 652-0991 tgonthier@bpdvt.org	**Franklin & Grand Isle Counties** Northwest Unit for Special Investigations NUSI/CAC Betty Lavoie Executive Director 5 Lemnah Drive St. Albans, VT 05478 (802) 524-7961 Betty.Lavoie@partner.vermont.gov	**Lamoille County** Lamoille County Special Investigation Unit/CAC Tracy Patnoe Executive Director P.O. Box 16 Hyde Park, VT 05655 (802)-851-8116 tpatnoe@lamoillesiu.org
Orange County Orange County SIU/CAC Wendy Loomis Interim Executive Director 354 VT Route 110 PO Box 254 Chelsea, VT 05038 (802) 685-4712 Wendy.Loomis@partner.vermont.gov	**Orleans & Northern Essex Co.** The Orleans County Child Advocacy Center/SIU Ryan Bjerke, Executive Director 55 Seymour Lane, Suite 2 PO Box 1133 Newport, VT 05855 (802) 334-6002 Ryan.Bjerke@partner.vermont.gov	**Rutland County** Child First Advocacy Center/ Rutland Unit for Special Inv. Wendy Loomis, Exec. Dir. 80 West Street P.O. Box 6822 Rutland, VT 05702 (802) 747-0200 Wendy.Loomis@partner.vermont.gov
Washington County OUR House of Central Vermont, Inc. CAC/SIU Rebecca Duranleau Executive Director 38 Summer Street Barre, Vermont 05641 (802) 476-8825 ourhousebarredirector@gmail.com	**Windham County** Windham County Safe Place CAC/ SUSI Samantha Prince Executive Director 112 Hardwood Way Brattleboro, VT 05301 (802) 579-1358 Samantha.Prince@partner.vermont.gov	**Windsor County** The CACs of the Family Place/ Windsor County SIU Julie Gaudette, Director 319 US Route 5, South Norwich, VT 05055 (802) 295-3882 julie@the-family-place.org Julie.Gaudette@partner.vermont.gov

Sex Offender Registry
Information regarding registered sex offenders may be obtained from the State of Vermont Criminal Justice Services:

Vermont Sex Offender Registry
Vermont Criminal Information Center (VCIC)
103 South Main St.
Waterbury, VT 05671
802-244-8727
http://vcic.vermont.gov/sor

Education and Prevention Programs
CCV has educational programs to promote awareness of sexual harassment, sexual exploitation, domestic violence, dating violence, sexual assault and stalking. These education programs include primary prevention, risk reduction and awareness programs for all incoming students and new employees. These programs include: a statement that these crimes are prohibited at CCV; definitions of consent, domestic violence, dating violence, sexual assault, sexual exploitation and stalking under Vermont state law; safe and positive bystander intervention; information on reducing risk by recognizing warning signs of abusive behavior and avoiding potential attacks; and information about CCV's institutional disciplinary procedures.

All new students and employees are made aware of VSC Policy 311: *Prevention of Discrimination*, and VSC Policy 311-A, *Prevention of Sexual Misconduct*. These policies educate students and employees and promote awareness. Additionally, all students and employees are regularly provided with the policies and are encouraged to review them at least annually.

Community College of Vermont provides information by asking students to complete online training modules offered by United Educators. See https://www.ue.org/products/canopy-programs/higher-ed/

CCV students also receive information about sexual misconduct policies during New Student Orientation and through programming about domestic and dating violence and bystander awareness training.

Warning Signs of Abuse

Because relationships exist on a spectrum, it can be hard to tell when a behavior crosses the line from healthy to unhealthy or even abusive. The following examples of abusive behavior by an intimate partner are warning signs of abuse and may indicate that your relationship is going in the wrong direction:

- Checking your cell phone or email without permission
- Constantly putting you down
- Extreme jealousy or insecurity
- Explosive temper
- Isolating you from family or friends
- Making false accusations
- Mood swings
- Physically hurting you in any way
- Possessiveness
- Telling you what to do
- Pressuring or forcing you to have sex

(Author Unknown. "Is this abuse?" Love is respect.org at http://www.loveisrespect.org/is-this-abuse/is-this-abuse)

Bystander Intervention

If you see someone in danger of being assaulted:

- Step in and offer assistance. Ask if the person needs help. NOTE: Before stepping in, however, make sure to evaluate the risk. If it means putting yourself in danger, call 911 instead.
- Don't leave. By remaining at the scene, you are a witness and your presence may deter a potential perpetrator from taking further action.
- If you know the perpetrator, tell the person you do not approve of their actions. Ask the person to leave the potential victim alone.
- Be an ally:
    - When you go to a party, go with a group of friends. Arrive together, check in with each other frequently and leave together.
    - Have a buddy system. Don't be afraid to let a friend know if you are worried about her/his safety.
    - If you see someone who is intoxicated, offer to call a cab.

(Sebold, Alice. "What Can Bystanders Do?" RAINN https://rainn.org/get-information/sexual-assault-

prevention/bystanders-can-help)

Crime Prevention and Risk Reduction Tips and What You Can Do to Help

- Report all emergencies and possible criminal activities to CCV and to local police.
- Keep your car locked at all times.
- Do not prop open any locked doors in your academic center. If you find a door propped open, close it.
- Be aware of anyone that might be trying to follow you to your car when you exit your academic center.
- Avoid walking alone after dark.
- Walk with friends.
- Do not leave property unattended in lounges, hallways, classrooms, or elsewhere at your academic center.
- Do not bring valuables such as jewelry with you to your academic center - leave valuables at home.
- Empty your vehicle of all valuables, including skis, boots, camping gear and electronics.
- Record all serial numbers from computers, electronics and other equipment.
- Engrave or otherwise label your belongings such as computers, electronics and camping gear.

Resources

EMERGENCY RESPONSE	HEALTH AND SAFETY	COUNSELING
911	Vermont Hospital Directory	Vermont Center for Crime Victim Services: Sexual Assault
Vermont State Police Online Directory of Stations	Vermont Center for Crime Victim Services: Sexual Assault	**VT Sexual Violence Hotline** 800-489-7273
VT Law Enforcement Agencies Online Directory of Local Police	**VT Sexual Violence Hotline** 800-489-7273	**VT Domestic Violence Hotline** 800-228-7395
	VT Domestic Violence Hotline 800-228-7395	VT Network Against Domestic & Sexual Violence
	VT Network Against Domestic & Sexual Violence	

Weapons

CCV prohibits the possession and use of weapons, explosives, and/or other dangerous devices or substances on college grounds or at any college related event. A weapon is defined as any object or substance that is designed for, has the potential for, or is used to inflict harm to persons or cause damage to property. Replicas and facsimiles of weapons are also prohibited. A copy of the policy can be found here.

Community College of Vermont Crime Statistics

Report for Years 2023, 2024 and 2025

Hate Crimes: There were no reported hate crimes at any CCV academic center for the years 2023, 2024 or 2025.

Crimes Reported at CCV	2023			2024			2025		
Category	Campus	Non-Campus	Public Property	Campus	Non-Campus	Public Property	Campus	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	1	0	0	0
Aggravated Assault	0	0	0	0	0	1	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
*Larceny/Theft	0	0	0	0	0	0	0	0	0
*Simple Assault	0	0	0	0	0	0	0	0	0
*Intimidation	0	0	0	0	0	0	0	0	0
*Property Destruction/Damage/Vandalism (except those caused by Arson)	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0
Liquor Law Disciplinary Referrals	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0
Drug Abuse Disciplinary Referrals	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0
Illegal Weapons Disciplinary Referrals	0	0	0	0	0	0	0	0	0
***Reported only if a hate crime**									

Hazing Incidents	**2023**	**2024**	**2025**
	Data Not Recorded	Data Not Recorded	0

CCV-Bennington Crime Statistics

Report for Years 2023, 2024 and 2025

Hate Crimes: There were no reported hate crimes for the years 2023, 2024 or 2025

Crimes Reported at CCV	2023			2024			2025		
Category	Campus	Non-Campus	Public Property	Campus	Non-Campus	Public Property	Campus	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
*Larceny/Theft	0	0	0	0	0	0	0	0	0
*Simple Assault	0	0	0	0	0	0	0	0	0
*Intimidation	0	0	0	0	0	0	0	0	0
*Property Destruction/Damage/Vandalism (except those caused by Arson)	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0
Liquor Law Disciplinary Referrals	0	0	0	0	0	0			
Drug Law Arrests	0	0	0	0	0	0	0	0	0
Drug Abuse Disciplinary Referrals	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0
Illegal Weapons Disciplinary Referrals	0	0	0	0	0	0	0	0	0

***Reported only if a hate crime**

Hazing Incidents	**2023**	**2024**	**2025**
	Data Not Recorded	Data Not Recorded	0

CCV-Brattleboro Crime Statistics

Report for Years 2023, 2024 and 2025

Hate Crimes: There were no reported hate crimes for the years 2023, 2024 or 2025

Crimes Reported at CCV	2023			2024			2025		
Category	Campus	Non-Campus	Public Property	Campus	Non-Campus	Public Property	Campus	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
*Larceny/Theft	0	0	0	0	0	0	0	0	0
*Simple Assault	0	0	0	0	0	0	0	0	0
*Intimidation	0	0	0	0	0	0	0	0	0
*Property Destruction/Damage/Vandalism (except those caused by Arson)	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0
Liquor Law Disciplinary Referrals	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0
Drug Abuse Disciplinary Referrals	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0
Illegal Weapons Disciplinary Referrals	0	0	0	0	0	0	0	0	0
***Reported only if a hate crime**									

Hazing Incidents	**2023**	**2024**	**2025**
	Data Not Recorded	Data Not Recorded	0

CCV-Middlebury Crime Statistics

Report for Years 2023, 2024 and 2025

Hate Crimes: There were no reported hate crimes for the years 2023, 2024 or 2025

Crimes Reported at CCV	2023			2024			2025		
Category	Campus	Non-Campus	Public Property	Campus	Non-Campus	Public Property	Campus	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
*Larceny/Theft	0	0	0	0	0	0	0	0	0
*Simple Assault	0	0	0	0	0	0	0	0	0
*Intimidation	0	0	0	0	0	0	0	0	0
*Property Destruction/Damage/Vandalism (except those caused by Arson)	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0
Liquor Law Disciplinary Referrals	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0
Drug Abuse Disciplinary Referrals	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0
Illegal Weapons Disciplinary Referrals	0	0	0	0	0	0	0	0	0
***Reported only if a hate crime**									

Hazing Incidents	**2023**	**2024**	**2025**
	Data Not Recorded	Data Not Recorded	0

CCV-Montpelier Crime Statistics

Report for Years 2023, 2024 and 2025

Hate Crimes: There were no reported hate crimes for the years 2023, 2024 or 2025

Crimes Reported at CCV	2023			2024			2025		
Category	Campus	Non-Campus	Public Property	Campus	Non-Campus	Public Property	Campus	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
*Larceny/Theft	0	0	0	0	0	0	0	0	0
*Simple Assault	0	0	0	0	0	0	0	0	0
*Intimidation	0	0	0	0	0	0	0	0	0
*Property Destruction/Damage/Vandalism (except those caused by Arson)	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0
Liquor Law Disciplinary Referrals	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0
Drug Abuse Disciplinary Referrals	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0
Illegal Weapons Disciplinary Referrals	0	0	0	0	0	0	0	0	0
***Reported only if a hate crime**									

Hazing Incidents	**2023**	**2024**	**2025**
	Data Not Recorded	Data Not Recorded	0

CCV-Morrisville Crime Statistics

Report for Years 2023, 2024 and 2025

Hate Crimes: There were no reported hate crimes for the years 2023, 2024 or 2025

Crimes Reported at CCV	2023			2024 **Not Reported**			2025 **Not Reported**		
Category	Campus	Non-Campus	Public Property	Campus	Non-Campus	Public Property	Campus	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	0	0	0						
Negligent Manslaughter	0	0	0						
Rape	0	0	0						
Fondling	0	0	0						
Incest	0	0	0						
Statutory Rape	0	0	0						
Robbery	0	0	0						
Aggravated Assault	0	0	0						
Burglary	0	0	0						
Motor Vehicle Theft	0	0	0						
Arson	0	0	0						
Domestic Violence	0	0	0						
Dating Violence	0	0	0						
Stalking	0	0	0						
*Larceny/Theft	0	0	0						
*Simple Assault	0	0	0						
*Intimidation	0	0	0						
*Property Destruction/Damage/Vandalism (except those caused by Arson)	0	0	0						
Liquor Law Arrests	0	0	0						
Liquor Law Disciplinary Referrals	0	0	0						
Drug Law Arrests	0	0	0						
Drug Abuse Disciplinary Referrals	0	0	0						
Illegal Weapons Possession Arrests	0	0	0						
Illegal Weapons Disciplinary Referrals	0	0	0						
***Reported only if a hate crime**									

Hazing Incidents	**2023**	**2024**	**2025**
	Data Not Recorded	Data Not Recorded	0

CCV-Newport Crime Statistics

Report for Years 2023, 2024 and 2025

Hate Crimes: There were no reported hate crimes for the years 2023, 2024 or 2025

Crimes Reported at CCV	2023 **Not Reported**			2024			2025 **Not Reported**		
Category	Campus	Non-Campus	Public Property	Campus	Non-Campus	Public Property	Campus	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter				0	0	0			
Negligent Manslaughter				0	0	0			
Rape				0	0	0			
Fondling				0	0	0			
Incest				0	0	0			
Statutory Rape				0	0	0			
Robbery				0	0	1			
Aggravated Assault				0	0	1			
Burglary				0	0	0			
Motor Vehicle Theft				0	0	0			
Arson				0	0	0			
Domestic Violence				0	0	0			
Dating Violence				0	0	0			
Stalking				0	0	0			
*Larceny/Theft				0	0	0			
*Simple Assault				0	0	0			
*Intimidation				0	0	0			
*Property Destruction/Damage/Vandalism (except those caused by Arson)				0	0	0			
Liquor Law Arrests				0	0	0			
Liquor Law Disciplinary Referrals				0	0	0			
Drug Law Arrests				0	0	0			
Drug Abuse Disciplinary Referrals				0	0	0			
Illegal Weapons Possession Arrests				0	0	0			
Illegal Weapons Disciplinary Referrals				0	0	0			
***Reported only if a hate crime**									

Hazing Incidents	**2023**	**2024**	**2025**
	Data Not Recorded	Data Not Recorded	0

CCV-Rutland Crime Statistics

Report for Years 2023, 2024 and 2025

Hate Crimes: There were no reported hate crimes for the years 2023, 2024 or 2025

Crimes Reported at CCV	2023			2024			2025		
Category	Campus	Non-Campus	Public Property	Campus	Non-Campus	Public Property	Campus	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
*Larceny/Theft	0	0	0	0	0	0	0	0	0
*Simple Assault	0	0	0	0	0	0	0	0	0
*Intimidation	0	0	0	0	0	0	0	0	0
*Property Destruction/Damage/Vandalism (except those caused by Arson)	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0
Liquor Law Disciplinary Referrals	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0
Drug Abuse Disciplinary Referrals	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0
Illegal Weapons Disciplinary Referrals	0	0	0	0	0	0	0	0	0
***Reported only if a hate crime**									

Hazing Incidents	**2023**	**2024**	**2025**
	Data Not Recorded	Data Not Recorded	0

CCV-Springfield Crime Statistics

Report for Years 2023, 2024 and 2025

Hate Crimes: There were no reported hate crimes for the years 2023, 2024 or 2025

Crimes Reported at CCV	2023			2024			2025		
Category	Campus	Non-Campus	Public Property	Campus	Non-Campus	Public Property	Campus	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
*Larceny/Theft	0	0	0	0	0	0	0	0	0
*Simple Assault	0	0	0	0	0	0	0	0	0
*Intimidation	0	0	0	0	0	0	0	0	0
*Property Destruction/Damage/Vandalism (except those caused by Arson)	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0
Liquor Law Disciplinary Referrals	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0
Drug Abuse Disciplinary Referrals	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0
Illegal Weapons Disciplinary Referrals	0	0	0	0	0	0	0	0	0
***Reported only if a hate crime**									

Hazing Incidents	**2023**	**2024**	**2025**
	Data Not Recorded	Data Not Recorded	0

CCV-St. Albans Crime Statistics

Report for Years 2023, 2024 and 2025

Hate Crimes: There were no reported hate crimes for the years 2023, 2024 or 2025

Crimes Reported at CCV	2023			2024			2025		
Category	Campus	Non-Campus	Public Property	Campus	Non-Campus	Public Property	Campus	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
*Larceny/Theft	0	0	0	0	0	0	0	0	0
*Simple Assault	0	0	0	0	0	0	0	0	0
*Intimidation	0	0	0	0	0	0	0	0	0
*Property Destruction/Damage/Vandalism (except those caused by Arson)	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0
Liquor Law Disciplinary Referrals	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0
Drug Abuse Disciplinary Referrals	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0
Illegal Weapons Disciplinary Referrals	0	0	0	0	0	0	0	0	0
***Reported only if a hate crime**									

Hazing Incidents	**2023**	**2024**	**2025**
	Data Not Recorded	Data Not Recorded	0

CCV-St. Johnsbury Crime Statistics

Report for Years 2023, 2024 and 2025

Hate Crimes: There were no reported hate crimes for the years 2023, 2024 or 2025

Crimes Reported at CCV	2023 **Not Reported**			2024 **Not Reported**			2025 **Not Reported**		
Category	Campus	Non-Campus	Public Property	Campus	Non-Campus	Public Property	Campus	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter									
Negligent Manslaughter									
Rape									
Fondling									
Incest									
Statutory Rape									
Robbery									
Aggravated Assault									
Burglary									
Motor Vehicle Theft									
Arson									
Domestic Violence									
Dating Violence									
Stalking									
*Larceny/Theft									
*Simple Assault									
*Intimidation									
*Property Destruction/Damage/Vandalism (except those caused by Arson)									
Liquor Law Arrests									
Liquor Law Disciplinary Referrals									
Drug Law Arrests									
Drug Abuse Disciplinary Referrals									
Illegal Weapons Possession Arrests									
Illegal Weapons Disciplinary Referrals									
***Reported only if a hate crime**									

Hazing Incidents	**2023**	**2024**	**2025**
	Data Not Recorded	Data Not Recorded	0

CCV-Upper Valley Crime Statistics

Report for Years 2023, 2023 and 2024

Hate Crimes: There were no reported hate crimes for the years 2032, 2024 or 2025

Crimes Reported at CCV	2023			2024			2025		
Category	Campus	Non-Campus	Public Property	Campus	Non-Campus	Public Property	Campus	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
*Larceny/Theft	0	0	0	0	0	0	0	0	0
*Simple Assault	0	0	0	0	0	0	0	0	0
*Intimidation	0	0	0	0	0	0	0	0	0
*Property Destruction/Damage/Vandalism (except those caused by Arson)	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0
Liquor Law Disciplinary Referrals	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0
Drug Abuse Disciplinary Referrals	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0
Illegal Weapons Disciplinary Referrals	0	0	0	0	0	0	0	0	0
***Reported only if a hate crime**									

Hazing Incidents	**2023**	**2024**	**2025**
	Data Not Recorded	Data Not Recorded	0

CCV-Winooski Crime Statistics

Report for Years 2023, 2024 and 2025

Hate Crimes: There were no reported hate crimes for the years 2023, 2024 or 2025

Crimes Reported at CCV	2023			2024			2025		
Category	Campus	Non-Campus	Public Property	Campus	Non-Campus	Public Property	Campus	Non-Campus	Public Property
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
*Larceny/Theft	0	0	0	0	0	0	0	0	0
*Simple Assault	0	0	0	0	0	0	0	0	0
*Intimidation	0	0	0	0	0	0	0	0	0
*Property Destruction/Damage/Vandalism (except those caused by Arson)	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0
Liquor Law Disciplinary Referrals	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0
Drug Abuse Disciplinary Referrals	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0
Illegal Weapons Disciplinary Referrals	0	0	0	0	0	0	0	0	0
***Reported only if a hate crime**									

Hazing Incidents	**2023**	**2024**	**2025**
	Data Not Recorded	Data Not Recorded	0

End Report