CASTLETON, JOHNSON, LYNDON, RANDOLPH, WILLISTON and KILLINGTON CAMPUSES

2026
Annual Security and Fire Report

Includes Clery Act Statistics for calendar years 2023, 2024, and 2025

Institutional Transition Note

Vermont State University began operations on July 1, 2023, following the consolidation of Castleton University, Northern Vermont University, and Vermont Technical College.

Accordingly, statistics reported for calendar year 2023 may include incidents occurring prior to July 1, 2023, when the current Vermont State University campuses operated under their predecessor institutions:

- Castleton Campus — Castleton University
- Johnson and Lyndon Campuses — Northern Vermont University
- Randolph and Williston Campuses — Vermont Technical College

Statistics for July 1, 2023, forward are reported under Vermont State University.

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Public Safety Contact Information

Castleton: 802.468.1215 or campus extension 31215	**CastletonSafety@VermontState.edu**
Johnson: 802.635.1205 or campus extension 51205	**JohnsonSafety@VermontState.edu**
Lyndon: 802.626.6452 or campus extension 66452	**LyndonSafety@VermontState.edu**
Randolph: 802.728.1292 or campus extension 71292	**RandolphSafety@VermontState.edu**
Williston: 802-238-3483 8am to 10pm.	**WillistonSafety@VermontState.edu**
Weekends/Afterhours Phone: 802.728.1292	

For the Killington campus, and for all VTSU learning sites, please call 9-1-1 for all emergencies.

For non-emergencies you can reach out using the contact information provided below.

Killington: 802.468.1215	**CastletonSafety@VermontState.edu**
Supervised by VTSU Castleton campus	
All other VTSU learning sites 802.635.1205	**PublicSafety@VermontState.edu**

About This Report

Effective July 1,2023 the institutions known as Northern Vermont University, Castleton University and Vermont Technical College have unified as Vermont State University (VTSU). As a result, references to current materials will indicate Vermont State University (VTSU) Castleton, Johnson, Lyndon, Randolph, Williston and Killington Campuses.

The Vermont State University Public Safety Office prepares this Annual Security and Fire Safety Report in compliance with the **Jeanne Clery Campus Safety Act**, commonly referred to as the **Clery Act**, and other applicable federal campus safety reporting requirements.

The current Annual Security and Fire Safety Report is available on the Vermont State University website at:

https://VermontState.edu/VTSUASR

Crime statistics contained in this report are compiled on a calendar-year basis in accordance with the requirements of the Jeanne Clery Campus Safety Act, commonly referred to as the Clery Act. This report includes Clery Act crime statistics for the three preceding calendar years for incidents reported within Vermont State University's Clery geography.

Statistics are compiled from crimes reported to Vermont State University Public Safety, as well as crimes reported to other individuals designated as Campus Security Authorities (CSAs). CSAs include certain University officials who have significant responsibility for student and campus activities. VTSU also requests applicable crime statistics from local and state law enforcement agencies having jurisdiction over the University's Clery geography.

Clery Act statistics include the following categories:

- **Criminal Offenses:** Murder and Non-Negligent Manslaughter, Manslaughter by Negligence, Rape, Fondling, Incest, Statutory Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, and Arson.
- **Hazing.**
- **VAWA Offenses:** Domestic Violence, Dating Violence, and Stalking.
- **Arrests and Referrals for Disciplinary Action:** Weapons Law Violations, Drug Abuse Violations, and Liquor Law Violations.
- **Hate Crimes:** Any Clery-reportable criminal offense that is classified as a hate crime, as well as Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property when the victim was intentionally selected because of the offender's bias against the victim based on a federally recognized bias category.

Beginning January 1, 2025, institutions were required to collect statistics for hazing as a Clery-reportable crime. Accordingly, the 2026 Annual Security and Fire Safety Report is the first VTSU report to include Clery hazing statistics. Hazing statistics reflect reports of conduct meeting the federal definition of hazing that occurred within Clery geography and were reported to a Campus Security Authority. These statistics are separate from the University's Campus Hazing Transparency Report, which identifies recognized student organizations found responsible for violations of the University's standards of conduct relating to hazing.

The Campus Hazing Transparency Report is a separate and distinct report from Vermont State University's Annual Security and Fire Safety Report. The report, along with additional Public Safety information and resources, is available on the Vermont State University Public Safety webpage:

Public Safety - Vermont State University.

https://vermontstate.edu/academics/student-success/public-safety/

For calendar year 2025, Vermont State University received no reports of incidents meeting the federal definition of hazing for inclusion in its Clery Act crime statistics.

VTSU's Clery geography generally includes property within the University's campus boundaries; on-campus student housing facilities, where applicable; certain noncampers buildings or property owned or controlled by VTSU or recognized student organizations; and public property within or immediately adjacent to and accessible from campus.

The Director of Public Safety coordinates the preparation of the Annual Security and Fire Safety Report. Crime statistics and required policy statements are published annually through the Public Safety section of the Vermont State University website. Current students and employees are notified annually of the report's availability and provided with direct access to the report. Prospective students and prospective employees may also obtain a copy of the report using the contact information provided below.

VTSU-Castleton Public Safety
Phone: 802-468-1215

Email: CastletonSafety@VermontState.edu
Location: Hope House
Mailing Address: 268 South St. Castleton, VT 05735

VTSU-Johnson Public Safety
Phone: 802-635-1205
Email: JohnsonSafety@VermontState.edu
Location: Dewey Hall
Mailing Address: 337 College Hill Johnson, VT 05656

VTSU-Lyndon Public Safety
Phone: 802-626-6452
Email: LyndonSafety@vermontState.edu
Location: ASAC 118
Mailing Address: 1001 College Rd. Lyndonville, VT 05851

VTSU-Randolph Public Safety
Phone: 802-728-1292
Email: RandolphSafety@VermontState.edu
Location: 122 Admin Center
Mailing Address: 124 Admin Dr, Randolph, VT 05061

VTSU-Williston Public Safety
Phone: 802-238-3483
Email: WillistonSafety@VermontState.edu
Location: Admin Building 200
Mailing Address: 141 Lawrence Place, Williston VT 05495

VTSU-Killington (Supervised by Castleton Public Safety)
Phone: 802.468.1215
Mailing Address: 2326 US Rt. 4, Killington VT 05751
Residence: 63 Weathervane Dr, Killington VT 05751
Email: CastletonSafety@VermontStat.edu

All other VTSU learning sites.
Phone: 802.635.1205
Email: **PublicSafety@VermontState.edu**

Public Safety Mission Statement

The mission of the Vermont State University Department of Public Safety is to foster a safe, supportive, and inclusive campus environment by building partnerships, solving problems, and working collaboratively to preserve peace, and provide safety services equally to all members of the community.

A Message from The Director of Public Safety

Our Public Safety Departments are committed to ensuring the well-being of our community. This report provides essential information about the safety services, programs, policies, and crime statistics on our campus. Our primary goal is to foster safe and secure environments where our students, faculty, and staff can thrive.

In collaboration with local law enforcement, we strive to enhance safety and security both on campus and within the surrounding community. We strongly encourage you to review this report carefully, understand the precautions outlined, and take full advantage of the services available to you. By working together, we can maintain a safe and supportive campus environment for everyone.

If you have any questions, concerns, or suggestions regarding campus safety at Vermont State University, or if you have feedback on how we can improve this report, please do not hesitate to reach out directly to any of our campus Public Safety departments.

Sincerely,

Michael A. Palagonia
Director of Public Safety
Vermont State University
Michael.Palagonia@VermontState.edu

About the Public Safety Department

The Public Safety Departments report to the Dean of Students and work closely with their respective Residence Life offices.

Public Safety at Vermont State University Campuses

Our Public Safety Departments at the Castleton, Johnson, Lyndon, and Randolph campuses are staffed 24/7, year-round, ensuring the safety and security of our campus communities. The Director of Public Safety oversees the Johnson Campus and supervises the Associate Directors of Public Safety at the Castleton, Lyndon, and Randolph campuses. Each department is supported by a dedicated team of full-time officers, part-time officers, and student officers.

Our officers conduct regular foot and vehicle patrols during both day and night, monitoring parking lots, building entrances, residence halls, roadways, walkways, campus lighting, and emergency phones. They are responsible for securing all campus buildings, including residence halls, and are well-versed in university policies and regulations related to parking, alcohol and drug use, smoking, pets, pedestrian

safety, building access, and snow removal. Additionally, all officers are trained in first aid, CPR, and the use of AEDs.

Williston Campus: The Williston Campus Public Safety Department consists of a full-time Campus Operations Coordinator, a full-time Assistant Campus Operations Coordinator, and part-time officers. They conduct routine patrols of parking lots, building entrances, residence halls, roadways, walkways, and campus lighting. Their responsibilities include securing all campus buildings, Each team member is knowledgeable about campus policies and regulations, including those related to parking, alcohol and drug use, smoking, pets, pedestrian safety, building access, and snow removal. Staff are on duty from 7:00 a.m. to 11:00 p.m., Monday through Friday, and are available at weekends as needed.

Killington Campus: The Killington Campus does not have a dedicated Public Safety Officer. However, a full-time General Manger, under the guidance of the VTSU-Castleton Public Safety Department, assists with safety-related concerns. The General Manager is on duty Monday through Friday during regular business hours.

Enforcement Authority of Public Safety Officers

Campus Safety personnel are not authorized to make arrests or use firearms for restraint or control. Public Safety Officers are authorized to ask people for identification and to determine whether individuals have a legitimate reason to be on university property. Public Safety officers have the authority to issue parking tickets, which can be billed to students, faculty, and staff. The authority to make arrests on campus and to respond to criminal actions off campus rests with Local Law Enforcement officials.

Students and employees are encouraged to report, accurately and promptly, all suspected crimes to Public Safety. Prompt reporting will help Public Safety determine if a timely warning is needed and facilitate the prompt investigation of reported incidents.

Campus Public Safety Officers are authorized to investigate reports of violations of the Code of Conduct. The Code of Conduct and disciplinary procedures are contained in the *Student Handbook*. The Handbook also contains copies of the Sexual Harassment Policy, the Sexual Assault Policy, and the Alcohol and Drug Policy. VTSU Public Safety Officers do not provide services to off-campus residents, nor do they regularly patrol off-campus areas.

The *Student Handbook* can be found at:

https://vermontstate.edu/student-life-at-vermont-state/vermont-state-university-handbook/

Working with outside Law Enforcement Agencies

The University has a good working relationship with Local Law Enforcement Agencies. Typically, Public Safety will reach out to these law enforcement agencies if a serious criminal incident occurs on campus, consistent with VTSU's policies and procedures.

Vermont State University (VTSU) works with local, county, state, and federal law enforcement agencies with primary service as follows:

Castleton: Castleton Police Department, the Vermont State Police, Rutland County Sheriff's Department, and Vermont Department of Liquor Control.

Johnson: The Lamoille County Sheriff's Department and the Vermont State Police.

Lyndon: Vermont State Police and the Lyndonville Police Department.

Randolph: Vermont State Police, Randolph Police Department and the Orange County Sheriff's department.

Williston: Williston Police Department and The Vermont State Police.

Killington: Killington Police Department.

Vermont State University does not have a formal Memorandum of Understanding (MOU) with any of these partners; however, as a member institution of the Vermont State Colleges (VSC), the University is covered by a memorandum of understanding with the Vermont Special Investigation Units (collectively "VTSIU"). This agreement allows the VSC and the VTSIU to exchange information and coordinate on investigations into allegations involving sexual assault and other sex-based crimes where the victim is affiliated with the VSC at the time of the incident and consents to the sharing of information.

Vermont State University does not have any off-campus student organizations monitored by Local Law Enforcement Agencies.

Vermont State University does not have any officially recognized off-campus student organizations or housing.

Off-campus Disturbances

As members of our respective communities, students who reside off-campus are expected to show respect and be courteous to members of the local community and demonstrate responsible citizenship in the local neighborhood. Students who violate these expectations and/or whose behavior jeopardizes VTSU's positive relationship with the local community may be subject to university discipline.

Reporting Criminal Actions or Emergencies

Call 9-1-1 immediately if a crime or other emergency is in progress, or if there is an imminent or continued threat of harm to people or property.

If you are a victim of a crime and do not want to pursue action through the Public Safety Office or the criminal justice system, you may still want to consider making a confidential report. With your permission, the Director of Public Safety, or a designee, can file a report on the details of the incident without revealing your identity. This confidential report is to comply with your wish to keep the matter confidential while ensuring the future safety of yourself and others. With such information, the University can keep an accurate record of the number of incidents involving students and alert the campus community to potential danger. Reports filed anonymously are recorded and disclosed in the annual crime statistics. Please note that where circumstances are warranted, the University may report and/or investigate an alleged violation even if you choose not to pursue official action. You are not obligated to cooperate in this process

Vermont State University will, upon written request, disclose to the alleged victim of a crime of violence or non-forcible sex offense, the results of any disciplinary hearing conducted by Vermont State University against a student who is an alleged perpetrator of the crime or offense. If the alleged victim is deceased because of the crime or offense Vermont State University will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

Anyone can submit an Incident report regardless of location by submitting an online incident report form found here:

https://vermontstatecolleges.formstack.com/forms/public_safety_incident_report

VTSU- Castleton Campus Reporting:

Public Safety can be reached 24 hours a day throughout the calendar year by dialing 3-1215 from any on-campus phone and 802-468-1215 from a non-campus phone. Your phone call will be answered by the switchboard operator who will take your call and relay the information to the on-duty Public Safety Officer, or your call will be answered by the officer on duty. There are also emergency "Blue Light" phones located throughout the campus. In addition, crimes may be reported to the following:

1. Assistant Director of Residence Life
   (802) 468-6449

2. Residence Life Hall Advisor Duty phone
   (802)236-7620

VTSU-Johnson Campus Reporting:

Public Safety can be reached 24 hours a day throughout the calendar year by dialing 5-1205 from any on-campus phone and 635-1205 from a non-campus phone. Your phone call will be answered by the switchboard operator who will take your call and relay the information to the on-duty Public Safety Officer, or your call will be automatically forwarded to the officer on duty. All residence halls have phones directly outside of the building that can dial on-campus extensions or call Public Safety directly by pressing the red buttons. In addition, there are emergency phones located throughout campus.

In addition, crimes may be reported to the following:

1. Area Coordinator of Residence Life
   802-635-1200

2. Residence Life Duty phone
   802-730-3439

VTSU- Lyndon Campus Reporting:

Public Safety can be reached 24 hours a day throughout the calendar year by dialing 6-6452 from an on-campus phone or (802) 626-6452 from an off-campus phone. Your phone call will be answered by the switchboard operator who will take your call and relay the information to the on-duty Public Safety Officer, or your call will be automatically forwarded to the officer on duty. All residence halls have

emergency phones directly outside of the building that can be used to call directly to Public Safety. In addition, there are emergency "Blue Light" phones located throughout the campus.
In addition, you may report a crime to the following areas:

1. Assistant Director of Residence Life and Student Activities
   802-427-1740

2. Residence Life Duty Phone
   802-274-3152

VTSU- Randolph Campus Reporting:

Public Safety can be reached 24 hours a day throughout the calendar year by dialing 7-1292 from any on-campus phone and 802-728-1292 from a non-campus phone. Phone calls will be answered by the dispatcher, who will take your call and relay the information to the on-duty officer, or your call will be automatically forwarded to the on-duty Public Safety Officer.

In addition, crimes may be reported to the following:

1. Assistant Director of Residence Life
   802-728-1439

2. Residence Life Duty phone
   802-760-7116

VTSU- Williston Campus Reporting:

Public Safety can be reached Monday-Friday, 7am to 11pm, by dialing 7-2323 from any on-campus phone and 802-879-2323 from a non-campus phone. Phone calls will be answered by the on-duty officer. After hours, please contact the Randolph Campus Public Safety office by dialing 7-1292 from any on-campus phone and 802-728-1292 from a non-campus phone.

1. Assistant Director of Residence Life and Student Activities
   802-728-1439

2. Residence Life Duty phone
   802-477-2649

VTSU- Killington Campus Reporting:

The Killington campus does not have a dedicated Public Safety officer. There is a General Manager that is on duty Monday-Friday. VTSU-Castleton Public Safety supervises security on this campus and can be reached 24 hours a day throughout the calendar year by dialing 3-1215 from any on-campus phone and 802-468-1215 from a non-campus phone. Your phone call will be answered by the switchboard operator

who will take your call and relay the information to the on-duty Public Safety Officer, or your call will be automatically forwarded to the officer on duty. In addition, crimes may be reported to the following:

1. Senior Staff Assistant (supervised by Castleton Residence Life)
   (802) 468-1283

2. General Manager of the Castleton Lodge at Killington (802) 468-1283

All other VTSU Locations:

You may call the Johnson Campus Public Safety office at 802-635-1205 24/7 to make a report or you can email **PublicSafety@VermontState.edu** for non-urgent reports.

Campus Security Authority (CSA) reporting procedures

VTSU encourages all campus community members to contact Public Safety to report all criminal actions. However, under the Clery Act, certain individuals designated as Campus Security Authorities (CSAs) are required to promptly report statistical information about Clery qualifying crimes that occur within VTSU's Clery Act geography to Public Safety for inclusion in this Report.

It is the responsibility of the Dean of Students, the Title IX coordinator, the Policy 311 Coordinator, and the Directors of Public Safety to identify who, because of their job duties at the University, constitutes a CSA, and fall into one of the following categories:

- A member of the Public Safety Department,
- An individual who has responsibility for campus security but does not constitute a member of Public Safety (for example monitoring the entrance to a building or specific area),
- An official of the institution who has significant responsibility for student campus activities, including but not limited to, student housing, student discipline, and campus judicial/administrative proceedings, coaches and coaching staff, advisors to recognized student clubs, Counseling Director (including part-time employees and Graduate Assistants), and,
- Any additional individuals that meet the definition of a "Responsible University Administrator" or "RCA."

CSA Procedures:

Step 1. Call 911 immediately if there is a crime or other emergency in progress or if there is an imminent threat to the campus community.

Step 2. CSAs should ask the victim or third party if they are in contact with or wish to file a report with Public Safety.

If yes, contact the appropriate Public Safety Office.

If not, the University will typically respect the decision of the victim not to report an incident to Public Safety or to Law Enforcement. There may be circumstances, however, where the University

contacts Law Enforcement after making a determination that doing so is in the best interest of safety and security for the victim and/or the broader community. Even if a victim or third party does not wish to report an incident to Public Safety or Law Enforcement, the CSA must still complete a report of the crime.

Step 3. The CSA must promptly file an Incident Report OR contact Public Safety

Reports may be submitted here:

https://vermontstatecolleges.formstack.com/forms/public_safety_incident_report

This report should be completed regardless of whether the victim chooses to file a report with Public Safety or with local law enforcement. CSAs are not responsible for determining if a crime took place. The report should be made based solely on the information provided to the CSA, including the date and time of the incident, location, names of perpetrators and witnesses, as well as a description of the incident.

Professional Counselors

Campus "Professional Counselors" are those employees whose official responsibilities include providing psychological counseling to members of the VTSU community and who are functioning within the scope of his or her license or certification. Such individuals are not considered to be a Campus Security Authority when acting in this capacity and are not required to report crimes directly to Public Safety or local law enforcement. However, as a matter of policy, counselors are encouraged, when they deem it appropriate, to inform people being counseled of the procedures to report crimes on a voluntary, confidential basis for inclusion in the annual crime statistics. See Policy 311-A, discussed below, for the reporting requirements for VTSU's counselors and health services professionals with respect to alleged violations of Policy 311-A's prohibition on sexual harassment, sexual exploitation, dating violence, domestic violence, sexual assault, and stalking.

Hazing Prevention Policy

Vermont State University Hazing Prevention Policy

I. Policy Statement

Vermont State University (VTSU) is committed to eliminating and preventing hazing behavior and/or inappropriate team, group, club, or student organization bonding or initiation activities which humiliate, demean, or devalue the worth of another individual. The University supports only those activities which are constructive, educational, and inspirational and that contribute to the intellectual and personal development and well-being of students.

No member of the Vermont State Colleges (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 affiliated with the Vermont State Colleges or any member institution 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 such acts. Hazing occurs regardless of the consent or willingness of a person to participate. Hazing may occur on or off campus.

Hazing does not include any activity that furthers legitimate curricular, extracurricular, or military training program goals, provided that (1) the goals are approved by the institution and (2) the activity furthers those goals in a manner that is appropriate and consistent with practices at other educational institutions.

Definitions:

> Organization: An athletic team, association, corporation, order, society, corps, cooperative, club, or other similar group affiliated with VTSU whose members are primarily students.
>
> Pledging: Any action or activity related to becoming a member of an organization.
>
> Student: Any individual currently registered, accepted, or intending to attend VTSU during a regular session.

III. Prohibited Activities

Specific actions and activities which are prohibited under this policy include, but are not limited to:

- Initiation activities designed to humiliate, degrade, or abuse individuals.
- Forcing or pressuring consumption of alcohol or drugs.
- Physical alterations, forced grooming, or marking the body.
- Exposure to indecent conduct or media.
- Forced errands or tasks of servitude.
- Exposure to unsafe or extreme environments.
- Forced consumption of undesirable substances.
- Activities inducing fear or emotional distress.
- Unsupervised, extreme physical conditioning.
- Criminal behavior or pranks.
- Sleep deprivation or disruption.
- Physical abuse, striking, or paddling.
- Embarrassing or inappropriate public stunts.
- Social exclusion, nudity, or exposure to pornography.

- Applying or throwing substances at others.
- Psychological harassment or ridicule.

IV. Applicability

This policy governs the conduct of all students, faculty, staff, contractors, and visitors on all Vermont State University campuses and property. University leaders, coaches, captains, student-athletes, and organization officers are expected to act with integrity, refrain from hazing, and report any incidents to appropriate advisors or administrators.

V. Interpretation of Policy

This policy is to be interpreted consistent with Vermont and Federal laws.

VI. Reporting and Administrative Response

Reports of hazing should be made to the Dean of Students or, in their absence, Public Safety. Public Safety will notify the Dean at the earliest opportunity. An investigation will begin immediately using the appropriate Code of Conduct or employee policy. If a crime may have been committed, and it is permissible under federal and state law, a report will be made to law enforcement.

To file a report:

- Contact **DeanOfStudents@Vermontstate.edu**
- Contact Public Safety
- File an online **Incident Report**

VII. Sanctions

Students found responsible for hazing may be subject to disciplinary action up to and including expulsion. Employees may face sanctions up to and including dismissal. Organizations that authorize or permit hazing may face suspension or revocation of recognition.

VIII. Prevention and Awareness Programs

VTSU will deliver campus-wide, research-informed hazing prevention and primary prevention programs. All students and employees will receive education on the Hazing Policy and appropriate reporting mechanisms.

IX. Legal Reference and VSC Policy

This policy aligns with Vermont state law on hazing, specifically 16 V.S.A. § 570j, which prohibits hazing in connection with educational institutions.

For further information, please refer to the official Vermont State Colleges Policy 313 on Hazing, available at: **https://www.vsc.edu/wp-content/uploads/2025/06/VSC-Policy-313-June-2025.pdf**

For more information and resources regarding hazing prevention and identification please visit:

VTSU Public Safety

Emergency Response and Evacuation Procedures

VTSU has developed an Emergency Operations Plan that includes information about VTSU's operating procedures, incident priorities, and performance expectations; shelter-in-place and evacuation guidelines; and local contingency and continuity planning requirements. Individual departments are responsible for developing contingency plans and continuity of operations plans for their staff and areas of responsibility. The University Emergency Management Team, comprised of campus administrators, is responsible for developing, maintaining, and testing the plan on an annual basis. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution. Before a drill or test, VTSU will publicize emergency response and evacuation procedures in conjunction with the drill or test. VTSU will document for each test a description of the exercise, the date, time, and whether it was announced or unannounced. VTSU is one of the members of the Local Emergency Planning Commission for Lamoille County and works with local responders such as Ambulance, Fire, and Police agencies in both Lamoille County and Caledonia County.

The Public Safety Officers and members of the Emergency Management Team have received training in Incident command and how to respond to critical incidents on campus. When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually the Public Safety Department, the Vermont State Police or the Lamoille County Sheriff's Department, and the Johnson or Lyndonville Fire Department and they typically respond and work together to manage the incident. Depending on the nature of the incident, other VTSU Departments and other Town agencies or federal agencies may also respond to the incident.

Emergency Procedures can be found here:

https://vermontstate.edu/student-life/university-handbook/public-safety-policies/

Notification to the VTSU Community about an Immediate Threat

From time to time, the Public Safety Departments may receive word of potential emergencies or dangerous conditions from various offices/departments or from off-campus sources. If it is confirmed that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the VTSU community, a campus or university-wide emergency notification will be issued. Public Safety will coordinate with appropriate offices to determine the content of the message and will use some or all of the systems described below to communicate the threat to the community or the appropriate segment of the community if the threat is limited to a particular building or segment of the population. VTSU will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to Public Safety, local Law enforcement agencies, local fire, and emergency medical services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

In the event of a serious incident that poses an immediate threat, as determined by Public Safety or a local law enforcement agency, to members of the community, VTSU has various systems in place for communicating information quickly to those individuals. Some or all of these methods of communication may be activated in the event of an immediate threat to the campus community. These methods of communication include:

- Email notification to individual VTSU email addresses of record.

- Cell phone text messages to Rave Alert subscribers*
- Push Notifications to VTSU SAFE**
- Online announcements on the VTSU web portal: https://portal.vsc.edu/
- Online announcements on the public VTSU website: https://VermontState.edu/

Notifications are typically issued by the Director or by an Associate Director of Public Safety, the Officer on duty, the Director of Communications, the Dean of Students, the Assistant/Director(s) of Residence Life, or by a member of the University's Emergency Management Team.

How to sign up for campus alerts

*The VTSU Campus Alert system is available free of charge to all VTSU Students, Staff, and Faculty. Students, Staff, and Faculty are automatically signed up for this service annually, however, everyone is strongly encouraged to sign into this service to confirm or update contact information. Visit **https://getrave.com/login/vscs**. Or visit Getrave.com and search for "Vermont State Colleges System" in the search bar. If you need assistance or are not sure if you are set up to receive alerts, please contact Public Safety at **PublicSafety@VermontState.edu** or visit this **page** for more information.

VTSU SAFE APP

To enhance safety for VTSU students, faculty, and staff, we have launched the VTSU SAFE. This is a companion service to Rave Alert. The free app is now available to download at the **Google Play or **Apple App Store.** (or go to the app store and search for VTSU SAFE). VTSU SAFE is an essential tool designed to enhance your safety at Vermont State University. This app delivers important safety alerts directly to your device and provides instant access to a variety of campus safety resources.

Features Include:
Safety Notifications: Receive real-time alerts and instructions for campus emergencies.
Friend Walk: Share your location with a trusted contact who can track your journey.
Reporting Tools: Report emergencies, crime tips, or incidents instantly, including Title IX reports.
Directory Information: Access key campus department contacts directly in the app.
Emergency Plans: Stay informed with guidance on various emergency situations.

For more Public Safety information and resources you can visit our page here and our SharePoint site here.

EMERGENCY PROCEDURES

Emergency Evacuation Procedures

Information about evacuation procedures is outlined in the *Student Handbook* found **here**

https://vermontstate.edu/student-life-at-vermont-state/vermont-state-university-handbook/public-safety-policies/

Evacuation plans are posted in all residential areas. Additionally, information about emergency evacuation procedures is shared during fire drills that take place throughout the year. Members of the Residence Life Staff are trained in these procedures and serve as an ongoing resource for students living in residential facilities.

The University Emergency Management Team periodically conducts tabletop exercises and conducts follow-through activities, designed for assessment and evaluation of emergency operation plans and capabilities. The Residential Life Department, with assistance from the Public Safety Department, coordinates fire drills each semester to test emergency response and evacuation procedures. These help the University to assess and evaluate the emergency evacuation plans and capabilities. VTSU will publish a summary of its emergency response and evacuation procedures in conjunction with at least one drill or exercise each calendar year.

Timely Warnings

If a situation arises, either on or off-campus, that, in the judgment of the Director of Public Safety or other University Administrators, constitutes an ongoing or continuing threat, a campus-wide timely warning will be issued by the Public Safety Department. The warning may be issued through VTSU e-mail systems to students, faculty and staff, or through postings in potentially affected buildings or residence halls. VTSU will withhold as confidential the names of victims when issuing timely warnings.

All incidents of crime should be reported promptly to the Department of Public Safety so that timely warnings to the community can be made, if appropriate. Reporting crimes promptly will also ensure that the report is included, if appropriate, in VTSU's annual security report. Criminal activity occurring off-campus, but adjacent to campus property, is handled by the Lamoille County Sheriff's office.

Daily Crime Log

A daily crime log is kept in the Public Safety office of each campus. Note that each campus has a separate log.

This log is also available in the Public Safety office during normal office hours and includes a list of alleged criminal incidents, including non-Clery Act crimes, reported to Public Safety over the previous 60 days.

Missing Students who reside on campus

In compliance with the Missing Student policy in the U.S. Department of Education's Handbook for University Safety and Security Reporting, all residential students are asked to identify a contact person or persons the institution shall notify within 24 hours of determining that the student is missing. The missing student contact person can be anyone, including the same person identified as the student's emergency contact person.

The missing student contact person's name is confidential and will be accessible only to authorized University officials and may not be disclosed except to law enforcement personnel in furtherance of a missing person investigation.

To identify this contact please log in to eRezlife here: **https://vermontstate.erezlife.com** to update and/or verify your student profile with the proper emergency contact information.

Please make sure the following profile fields are verified and updated:

Would you like to use your current emergency contact information for the missing student protocol?

If you answer NO, please update the information below.

- **Emergency Contact- Name-Missing Student Protocol:**
- **Emergency Contact-Phone- Name-Missing Student Protocol:**
- **Emergency Contact Relationship- Missing Student Protocol:**

How to report a suspected missing student:

Should any VTSU Community member be aware or suspect that a student is missing, notification to the Public Safety Office should be made immediately. (See contact information at the beginning of this report.)
Once a report is submitted, the Public Safety Office will initiate the VTSU Missing Student Protocol. The Department will generate a missing person report and initiate an investigation.
If after investigating a missing person report, VTSU Public Safety determines that the student is missing and has been missing for more than 24 hours, Public Safety will notify the local Police Agency and the student's missing person contact no later than 24 hours after the student is determined to be missing. VTSU may initiate the missing person notification procedure even if the student has been determined to be missing for less than 24 hours.

If the missing student is under the age of 18 and is not an emancipated individual, VTSU must notify the student's custodial parent or legal guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

Fire Safety and Fire Statistics in Housing Facilities

In accordance with the 2008 changes to the Higher Education Opportunity Act, institutions like VTSU that maintain on-campus housing shall, on an annual basis, publish a fire safety report. For compliance purposes, this report is contained in this section of this annual report. Reporting a fire is everyone's responsibility. A daily fire log is kept in the Public Safety offices in accordance with the Clery Act. This log is available for review during normal office hours and includes any reported fires within the last 60 days.

The log contains the date the fire was reported, the nature of the fire, the date and time of the fire, and the general location of the fire.

Reporting a Fire

If a fire occurs on an VTSU campus property, community members should immediately call 911. This will ensure that the Fire Department is notified and can respond. If a member of the VTSU Community finds evidence of a fire that has been extinguished and it is unclear whether the fire has been reported to Public Safety, the community member should immediately notify Public Safety so the Department can investigate and document the incident.

Fire Alarms and Evacuating

Fire alarms alert community members of a potential hazard and community members are required to heed their warning and evacuate a building immediately upon hearing a fire alarm in a facility. Use the nearest stairwell and/or exit to leave the building immediately. Community members should familiarize themselves with the exits in each building. When a fire alarm is activated, the elevators will stop automatically. Occupants should use the stairs to evacuate the building. If you are caught in the elevator push the emergency phone button. All emergency phones in elevators on campus ring directly to Public Safety. VTSU publishes this report as part of its annual Fire Safety Report, which contains information with respect to the fire safety practices and standards for VTSU. This report includes statistics concerning the number of fires, the cause of each fire, the number of injuries and deaths related to a fire, and the value of the property damage caused by a fire. Information on Fire Safety can be accessed via the VTSU website at:

https://vermontstate.edu/student-life-at-vermont-state/vermont-state-university-handbook/public-safety-policies/

Housing Facility Fire Safety Systems

VTSU-Castleton Campus

Housing Facility	Address *Castleton VT 05735 unless otherwise noted	Fire Alarm Monitoring by Home Security	Full Sprinkler System	Smoke/Carbon Monoxide Detection	Fire Extinguisher Devices	Evacuation Plans or Placards	Number of drills conducted in the previous calendar year
Adams Hall	139 University Drive	YES	YES	YES	YES	YES	2
Audet Hall	104 University Drive	YES	YES	YES	YES	YES	2
Babcock Hall	87 University Drive	YES	YES	YES	YES	YES	2
Castleton Hall	112 University Drive	YES	YES	YES	YES	YES	2
Ellis Hall	314 South Street	YES	YES	YES	YES	YES	2
Haskell Hall	141 University Drive	YES	YES	YES	YES	YES	2
Morrill Hall	220 University Drive	YES	YES	YES	YES	YES	2
North Hall	100 University Drive	YES	YES	YES	YES	YES	2
South Hall	108 University Drive	YES	YES	YES	YES	YES	2
Wheeler Hall	240 University Drive	YES	YES	YES	YES	YES	2
Hoff Hall	338 South Street	YES	YES	YES	YES	YES	2

VTSU-Johnson Campus

Housing Facility	Address	Fire alarm Monitoring by Home Security	Full Sprinkler System (All common areas and individual rooms)	Smoke Detection/Carbon Monoxide	Fire Extinguisher Devices	Evacuation Plans or Placards	Number of evacuation drills conducted in the previous calendar year
Martinetti Hall	383 College Hill	YES	YES	YES	YES	YES	2
Arthur Hall	415 College Hill	YES	YES	YES	YES	YES	2
Governors Hall	505 College Hill	YES	YES	YES	YES	YES	2
Senators Hall	513 College Hill	YES	YES	YES	YES	YES	2
Campus Apartments	988 College Hill	NO	NO	YES	YES	NO	2

VTSU-Lyndon Campus

Housing Facility	Address	Fire alarm Monitoring by Home Security	Full Sprinkler System (All common areas and individual rooms)	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans or Placards	Number of evacuation drills conducted in the previous calendar year
Arnold Hall	**1142 McGoff Hill**	Yes	Yes	Yes	Yes	Yes	2
Bayley Hall	**1143 McGoff Hill**	Yes	Yes	Yes	Yes	Yes	2
Crevecoeur Hall	**1146 McGoff Hill**	Yes	Yes	Yes	Yes	Yes	2
Gray House	**180 Vail Drive**	Yes	Yes	Yes	Yes	Yes	2
Poland Hall	**1145 NcGoff Hill**	Yes	Yes	Yes	Yes	Yes	2
Rita Bole Complex Suites	**252 Lower Campus Road**	Yes	Yes	Yes	Yes	Yes	2
Rogers Hall	**1144 McGoff Hill**	Yes	Yes	Yes	Yes	Yes	2
Wheelock Hall	**306 Lower Campus Drive**	Yes	Yes	Yes	Yes	Yes	2
Whitelaw Hall	**1147 McGoff hill**	Yes	Yes	Yes	Yes	Yes	2

VTSU-Randolph Campus

Housing Facility	Address	Fire alarm Monitoring by Home Security	Full Sprinkler System (All common areas and individual rooms)	Smoke Detection	Fire Extinguisher Devices	Evacuation Plan and Placards	Number of evacuation drills conducted in the previous calendar year
Old Dorm	49 Judd Drive	YES	YES	YES	YES	YES	2
Keenan Hall	39 Morey Drive	YES	YES	YES	YES	YES	2
Morey Hall	41 Morey Drive	YES	YES	YES	YES	YES	2
Nutting Hall	284 Admin Drive	YES	YES	YES	YES	YES	2

VTSU-Williston Campus*

Housing Facility	Address	Fire alarm Monitoring by Home Security	Full Sprinkler System (All common areas and individual rooms)	Smoke Detection	Fire Extinguisher Devices	Evacuation Plan and Placards	Annual Evacuation Drills
Williston Hall	72 Helena Dr, Williston VT 05452	YES	YES	YES	YES	YES	2

**Note: As of September 2026 this residence hall is no longer in use.*

VTSU-Killington Campus

	Address						

Housing Facility		Fire Alarm Monitoring by Home Security	Full Sprinkler System	Smoke/Carbon Monoxide Detection	Fire Extinguisher Devices	Evacuation Plans or Placards	Number of evacuation drills conducted in the previous calendar year
Castleton Lodge	**63 Weathervane Rd, Killington VT 05751**	YES	NO	YES	YES	YES	2

Fire Safety Improvements and Upgrades

VTSU (Vermont State University) regularly reviews the fire systems in our residence halls and makes upgrades, repairs, or revisions when problems are identified.

VTSU-Castleton Campus: -

2025:

- Starlink communicators added to Haskell, Wheeler, Ellis, Morrill, Babcock, Castleton Hall, North House, South House, Audet House, and Adams Hall.
- Haskell Hall: Added an LF sounder in the RD's bedroom for audibility.
- Hoff Hall: Cleanup fire alarm programming.
- Adams Hall: Fire alarm operation moved from the FCI panel to the newer SK sprinkler panel in the main lobby.
- Morrill Hall: Replaced the main fire alarm control panel and upgraded all addressable devices.
- Updated CO sensors in Babcock Hall
- Additional Fire Extinguishers added to the Hoff Hall Kitchen
- Power supply repaired at North House Fire alarm panel

VTSU-Johnson Campus: No fire safety improvements or upgrades were made in 2025. No other improvements are planned.

VTSU-Lyndon campus: No fire safety improvements or upgrades were made in 2025. No other improvements are planned.

VTSU-Randolph Campus: No fire safety improvements or upgrades were made in 2025. No other improvements are planned.

VTSU-Williston Campus: No fire safety improvements or upgrades were made in 2025 No other improvements are planned.

VTSU-Killington Campus: No fire safety improvements or upgrades were made in 2025. No other improvements are planned.

Residence Hall Fire Drills

Fire drills are held once a semester for each residence hall. Fire drills are mandatory supervised evacuations. The fire drill is scheduled with Public Safety, residence life staff, and the local fire department. Evacuation route maps and detailed instructions on evacuating appropriately are posted in each residence hall showing the closest exit route to the assembly area outside. Students who fail to leave the residence hall during a fire drill may be sanctioned.

Fire Life Safety Education

Fire Safety Guidelines

Appliances

The following is a list of acceptable appliances to use in the Residence Halls and campus apartments:

- Hot Pots
- Electric blankets
- Coffee pots with an auto shut-off.
- Electric irons with an auto shut-off.
- Floor lamps/lights(non-halogen)
    - Plastic shades prohibited.
- One small refrigerator (less than 4.4 cubic feet) is allowed per room.
- Suites may have one microwave and one refrigerator (less than 4.4 cubic feet) in addition.

All electrical items need U.L. labels. If you have questions about a specific item not listed above, please contact the Residence Life Office on your campus. Cooking is prohibited except in kitchens. Plug-in tart warmers/wax burners (i.e., Scentsy) are prohibited. Most halogen bulbs are also not permitted in the residence halls. Any UL-approved halogen lamp manufactured after 1996 is permitted.

The following is a list of unacceptable appliances in the residence halls and apartments:

- Air Conditioners
- Space Heaters
- Ski Waxing Paraphernalia
- (Waxing or tuning of skis and snowboards are also prohibited in the residence halls)
- Any Open-Flame or exposed heating element appliances.

These include, but are not limited to:

- Butane torches
    - Camp stoves
    - Lanterns
    - Charcoal Grills
    - Toaster Ovens
    - Electric sandwich presses
    - Hot Plates
    - Volatile liquids
    - Petroleum fuel
    - Motorized vehicles
    - Gasoline-fueled machinery
    - Explosive devices or materials
    - Air Fryers
    - Toasters

Candles/Open Flame/Diffusors

Due to the fire hazard presented and the potentially offensive and pervasive smells, candles, wax warmers, and incense are not allowed in the residence halls. As a fire safety precaution, possession or burning of incense, candles, sterno, kerosene or oil lamps, similar flammable materials, and the use of matches and/or a lighter is prohibited in every student room, even during the loss of electrical power. Candles are prohibited even as decorative items.

Bicycles & Other Non-Motorized Vehicles

Students may store their bicycles, skateboards, scooters, or other small non-motorized vehicles in their rooms (or suites). However, they will be held liable for any damage caused by storage. Students may not store any non-motorized vehicles in hallways or block exits, entrances, or access ramps. Vehicles cannot be ridden in the buildings.

E-Bikes and Lithium-Ion Battery Devices

Due to significant fire safety concerns, e-bikes, e-scooters, hoverboards, and other devices powered by lithium-ion batteries may not be stored or charged in any campus buildings, including residence halls, academic buildings, or common areas. These items must be stored and charged outside in designated areas. Violation of this policy may result in confiscation of the item and disciplinary action.

Hall Sports

Sports activities, including ball sports, rollerblading, skateboarding, scooters, and bicycle riding are prohibited in the residence halls or campus apartments. Hall sports which result in damage or disruption will be considered disruptive behavior and may result in disciplinary action

Fire/Life Safety Inspections

Annually personnel from the Physical Plant Department perform a fire and safety inspection in each residence hall room at VTSU. Typically fire and safety inspections are conducted nightly by Public Safety officers in each residence hall. The goal is to ensure exterior doors are accessible to authorized persons and that exit signs, life safety equipment, and points of egress are marked and available for use. Room fire safety inspections are conducted regularly in the residence halls by residence life staff. Most often, these inspections take place during scheduled breaks.

Outdoor Fires

Any student or group that wishes to have an outdoor fire of any kind on university premises must submit a request to the Department of Student Life. The department will then notify the local fire department and request a permit from the town for the fire. Fires are permitted only if conditions are safe. Any unauthorized fire found on university premises will be immediately extinguished and those responsible will be subject to disciplinary action, including the costs associated with cleanup.

Tobacco/Smoking Policy

In keeping with the Vermont State Colleges System Policy 314, all campuses within the VSCS have committed to becoming tobacco-free*. At VTSU, we desire to ensure a safe and healthy environment for all students as well as staff and visitors who work and use our facilities.

All university-owned grounds and buildings, including residence halls and campus apartments, are tobacco-free. Please access the website or portal for additional information related to our tobacco-free campus policy.

*Per this policy, tobacco is defined as any manufactured product containing tobacco or nicotine, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco,

shisha, pipes, water (hookah) pipes, dissolvable tobacco products, electronic cigarettes, other electronic or battery-powered vaping devices and all forms of smokeless tobacco.

*As of September 1, 2019, it is illegal for a person under 21 years of age in Vermont to possess, purchase, or attempt to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia.

For additional information regarding the University Tobacco-Free Policy please visit: **https://www.vsc.edu/wp-content/uploads/2017/02/Policy-314-Tobacco-Use-Reduction-and-Prevention.pdf**

Statistics and Reports of on-campus student housing fire(s) for the past three reporting years

VTSU-Castleton Campus

2025 Housing Facility	Address	Total Fires	Fire Number	Cause of Fire	Injuries Requiring Treatment at a Medical Facility	Deaths Related to Fire	Value of Property Damage Caused by Fire
Adams Hall	139 University Drive	0	0	N/A	0	0	0
Audet Hall	104 University Drive	0	0	N/A	0	0	0
Babcock Hall	87 University Drive	0	0	N/A	0	0	0
Castleton Hall	112 University Drive	0	0	N/A	0	0	0
Ellis Hall	314 South Street	0	0	N/A	0	0	0
Haskell Hall	141 University Drive	0	0	N/A	0	0	0
Morill Hall	220 University Drive	0	0	N/A	0	0	0
North Hall	100 University Drive	0	0	N/A	0	0	0
South Hall	108 University Drive	0	0	N/A	0	0	0
Wheeler Hall	240 University Drive	0	0	N/A	0	0	0
Hoff Hall	338 South Street	0	0	N/A	0	0	0
Foley Hall	121 West Street, Rutland, VT 05701	0	0	N/A	0	0	0

2024 Housing Facility	Address	Total Fires	Fire Number	Cause of Fire	Injuries Requiring Treatment at a Medical Facility	Deaths Related to Fire	Value of Property Damage Caused by Fire
Adams Hall	139 University Drive	0	0	N/A	0	0	0
Audet Hall	104 University Drive	0	0	N/A	0	0	0
Babcock Hall	87 University Drive	0	0	N/A	0	0	0
Castleton Hall	112 University Drive	0	0	N/A	0	0	0
Ellis Hall	314 South Street	0	0	N/A	0	0	0
Haskell Hall	141 University Drive	0	0	N/A	0	0	0
Morill Hall	220 University Drive	0	0	N/A	0	0	0
North Hall	100 University Drive	0	0	N/A	0	0	0
South Hall	108 University Drive	0	0	N/A	0	0	0
Wheeler Hall	240 University Drive	0	0	N/A	0	0	0
Hoff Hall	338 South Street	0	0	N/A	0	0	0
Foley Hall	121 West Street, Rutland, VT 05701	0	0	N/A	0	0	0

2023 Housing Facility	Address	Total Fires	Fire Number	Cause of Fire	Injuries Requiring Treatment at a Medical Facility	Deaths Related to Fire	Value of Property Damage Caused by Fire
Adams Hall	139 University Drive	0	0	N/A	0	0	0
Audet Hall	104 University Drive	0	0	N/A	0	0	0
Babcock Hall	87 University Drive	0	0	N/A	0	0	0
Castleton Hall	112 University Drive	0	0	N/A	0	0	0
Ellis Hall	314 South Street	0	0	N/A	0	0	0
Haskell Hall	141 University Drive	0	0	N/A	0	0	0
Morill Hall	220 University Drive	0	0	N/A	0	0	0
North Hall	100 University Drive	0	0	N/A	0	0	0
South Hall	108 University Drive	0	0	N/A	0	0	0
Wheeler Hall	240 University Drive	0	0	N/A	0	0	0
Hoff Hall	338 South Street	0	0	N/A	0	0	0
Foley Hall	121 West Street, Rutland, VT 05701	0	0	N/A	0	0	0

VTSU-Johnson Campus

2025 Housing Facility	Address	Total Fires	Fire Number	Cause of Fire	Injuries Requiring Treatment at a Medical Facility	Deaths Related to Fire	Value of Property Damage Caused by Fire
Martinetti Hall	383 College Hill	0	0	N/A	0	0	0
Arthur Hall	415 College Hill	0	0	N/A	0	0	0
Governors Hall	505 College Hill	0	0	N/A	0	0	0
Senators Hall	513 College Hill	0	0	N/A	0	0	0
Campus Apartments	988 College Hill	0	0	N/A	0	0	0
2024 Housing Facility	Address	Total Fires	Fire Number	Cause of Fire	Injuries Requiring Treatment at a Medical Facility	Deaths Related to Fire	Value of Property Damage Caused by Fire
Martinetti Hall	383 College Hill	0	0	N/A	0	0	0
Arthur Hall	415 College Hill	0	0	N/A	0	0	0
Governors Hall	505 College Hill	0	0	N/A	0	0	0
Senators Hall	513 College Hill	0	0	N/A	0	0	0
Campus Apartments	988 College Hill	0	0	Cooking	0	0	0
2023 Housing Facility	Address	Total Fires	Fire Number	Cause of Fire	Injuries Requiring Treatment at a Medical Facility	Deaths Related to Fire	Value of Property Damage Caused by Fire
Martinetti Hall	383 College Hill	0	0	N/A	0	0	0
Arthur Hall	415 College Hill	0	0	N/A	0	0	0
Governors Hall	505 College Hill	0	0	N/A	0	0	0
Senators Hall	513 College Hill	0	0	N/A	0	0	0
Campus Apartments	988 College Hill	0	0	N/A	0	0	0

VTSU-Lyndon campus

2025 Housing Facility	Address	Total Fires	Fire Number	Cause of Fire	Injuries requiring treatment at a medical Facility	Deaths Related to Fire	Value of Property Damage Caused by Fire
Arnold Hall	1142 McGoff Hill	0	0	N/A	0	0	0
Bayley Hall	1143 McGoff Hill	0	0	N/A	0	0	0
Crevecoeur Hall	1146 McGoff Hill	0	0	N/A	0	0	0
Gray House	180 Vail Drive	0	0	N/A	0	0	0
Poland Hall	1145 McGoff Hill	0	0	N/A	0	0	0
Rita Bole Complex Suites	252 Lower Campus Road	0	0	N/A	0	0	0
Rogers Hall	1144 McGoff Hill	0	0	N/A	0	0	0
Wheelock Hall	306 Lower Campus Drive	0	0	N/A	0	0	0
Whitelaw Hall	1147 McGoff Hill	0	0	N/A	0	0	0

2024 Housing Facility	Address	Total Fires	Fire Number	Cause of Fire	Injuries requiring treatment at a medical Facility	Deaths Related to Fire	Value of Property Damage Caused by Fire
Arnold Hall	1142 McGoff Hill	0	0	N/A	0	0	0
Bayley Hall	1143 McGoff Hill	0	0	N/A	0	0	0
Crevecoeur Hall	1146 McGoff Hill	0	0	N/A	0	0	0
Gray House	180 Vail Drive	0	0	N/A	0	0	0
Poland Hall	1145 McGoff Hill	0	0	N/A	0	0	0
Rita Bole Complex Suites	252 Lower Campus Road	0	0	N/A	0	0	0
Rogers Hall	1144 McGoff Hill	0	0	N/A	0	0	0
Wheelock Hall	306 Lower Campus Drive	0	0	N/A	0	0	0
Whitelaw Hall	1147 McGoff Hill	0	0	N/A	0	0	0

2023 Housing Facility	Address	Total Fires	Fire Number	Cause of Fire	Injuries requiring treatment at a medical Facility	Deaths Related to Fire	Value of Property Damage Caused by Fire
Arnold Hall	1142 McGoff Hill	0	0	N/A	0	0	0
Bayley Hall	1143 McGoff Hill	0	0	N/A	0	0	0
Crevecoeur Hall	1146 McGoff Hill	0	0	N/A	0	0	0
Gray House	180 Vail Drive	0	0	N/A	0	0	0
Poland Hall	1145 McGoff Hill	0	0	N/A	0	0	0
Rita Bole Complex Suites	252 Lower Campus Road	0	0	N/A	0	0	0
Rogers Hall	1144 McGoff Hill	0	0	N/A	0	0	0
Wheelock Hall	306 Lower Campus Drive	0	0	N/A	0	0	0
Whitelaw Hall	1147 McGoff Hill	0	0	N/A	0	0	0

VTSU-Randolph campus

2025 Housing Facility	Address	Total Fires	Fire Number	Cause of Fire	Injuries requiring treatment at a medical Facility	Deaths Related to Fire	Value of Property Damage Caused by Fire
Old Dorm Hall	49 Judd Drive	0	0	N/A	0	0	0
Keenan Hall	39 Morey Drive	0	0	N/A	0	0	$0.00
Morey Hall	41 Morey Drive	0	0	N/A	0	0	0
Nutting Hall	284 Admin Drive	0	0	N/A	0	0	0

2024 Housing Facility	Address	Total Fires	Fire Number	Cause of Fire	Injuries requiring treatment at a medical Facility	Deaths Related to Fire	Value of Property Damage Caused by Fire
Old Dorm Hall	49 Judd Drive	0	0	N/A	0	0	0
Keenan Hall	39 Morey Drive	0	0	Unknown items in Microwave	0	0	
Morey Hall	41 Morey Drive	0	0	N/A	0	0	0
Nutting Hall	284 Admin Drive	0	0	N/A	0	0	0

2023 Housing Facility	Address	Total Fires	Fire Number	Cause of Fire	Injuries requiring treatment at a medical Facility	Deaths Related to Fire	Value of Property Damage Caused by Fire
Old Dorm Hall	49 Judd Drive	0	0	N/A	0	0	0
Keenan Hall	39 Morey Drive	1	1	N/A	0	0	$200.00
Morey Hall	41 Morey Drive	0	0	N/A	0	0	0
Nutting Hall	284 Admin Drive	0	0	N/A	0	0	0

VTSU-Williston campus

2025 Housing Facility	Address	Total Fires	Fire Number	Cause of Fire	Injuries requiring treatment at a medical Facility	Deaths Related to Fire	Value of Property Damage Caused by Fire
Williston Hall	72 Helena Dr, Williston VT 05452	0	0	N/A	0	0	0

2024 Housing Facility	Address	Total Fires	Fire Number	Cause of Fire	Injuries requiring treatment at a medical Facility	Deaths Related to Fire	Value of Property Damage Caused by Fire
Williston Hall	72 Helena Dr, Williston VT 05452	0	0	N/A	0	0	0

2023 Housing Facility	Address	Total Fires	Fire Number	Cause of Fire	Injuries requiring treatment at a medical Facility	Deaths Related to Fire	Value of Property Damage Caused by Fire
Williston Hall	72 Helena Dr, Williston VT 05452	0	0	N/A	0	0	0

VTSU-Killington campus

2025 Housing Facility	Address	Total Fires	Fire Number	Cause of Fire	Injuries Requiring Treatment at a Medical Facility	Deaths Related to Fire	Value of Property Damage Caused by Fire
Castleton Lodge	63 Weathervane Rd, Killington VT 05751	0	0	N/A	0	0	0

2024 Housing Facility	Address	Total Fires	Fire Number	Cause of Fire	Injuries Requiring Treatment at a Medical Facility	Deaths Related to Fire	Value of Property Damage Caused by Fire
Castleton Lodge	63 Weathervane Rd, Killington VT 05751	0	0	N/A	0	0	0

2023 Housing Facility	Address	Total Fires	Fire Number	Cause of Fire	Injuries Requiring Treatment at a Medical Facility	Deaths Related to Fire	Value of Property Damage Caused by Fire
Castleton Lodge	63 Weathervane Rd, Killington VT 05751	0	0	N/A	0	0	0

Definition of Terms

Fire

Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Fire drill

Supervised practice of a mandatory evacuation of a building for a fire.

Fire-related injury.

Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term person may include students, faculty, staff, visitors, firefighters, or any other individuals.

Fire-related death.

Any instance in which a person is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire, or deaths that occur within 1 year of injuries sustained as a result of the fire.

Fire safety system.

Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire including Sprinkler or other fire extinguishing systems, fire detection devices, standalone smoke alarms, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights, smoke-control and reduction mechanisms, and Fire doors and walls that reduce the spread of a fire.

Value of Property Damage

The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity, including contents damaged by fire, related damages caused by smoke, water, and overhaul, however, it does not include indirect loss, such as business interruption.

Security and Access to Campus Facilities

Academic Facilities

Academic facilities are open during normal business hours Monday-Friday. Some buildings and facilities are also open evenings and weekends to accommodate evening classes, research, or other special programming needs. Faculty and staff are responsible for securing the private offices and storage areas. Public Safety has knowledge of the buildings and areas that remain open late or keep unusual hours. Public Safety Officers, and those in charge of buildings share the responsibility for building security. Public Safety Officers check buildings during patrol shifts. Anyone found in the academic buildings after specified closing times will be asked to leave.

Residence Halls

All Residence Halls on all campuses are locked 24 hours a day, 7 days a week. Overnight guests of residential students must have valid passes and must follow all VTSU regulations and policies. Residents are responsible for their guests' actions.

If you have questions about the closing hours of any building, please contact Public Safety. Residence halls and academic buildings are routinely inspected for lost or damaged safety equipment such as fire extinguishers, emergency lights, exit signs, emergency exit alarms, smoke detectors, fire alarm systems, fire suppression systems, security devices, and door locks. Damaged or faulty equipment is replaced or repaired promptly after it is reported.

Security Awareness and programs

Each campus offers incoming students' information about campus security procedures and practices. The VTSU community is encouraged to be proactive and to take responsibility for their safety. At orientation, Public Safety presents information to new students during orientation and an annual e-mail with safety-related policies relevant to staff, faculty, and students is issued each semester.

Overwhelmingly, students tell us that they feel VTSU is a safe place to be. Students report feeling it is a safe environment in which to live and learn. Public Safety and the Office of Residence Life are committed to student safety and strive to be proactive in delivering tools to help students protect themselves and their property from the unexpected.

Safety is a shared responsibility, and you can actively be engaged in keeping our community safe by being alert and reporting all crimes or other suspicious activity. Additionally, residential students have regular floor meetings in which safety topics are discussed. Additional crime prevention and safety information is included in the VTSU *Student Handbook* which is published annually in the Fall and provided electronically to all students.

Weapons

Vermont State University (VTSU) prohibits the possession of weapons, replicas and facsimiles of weapons, or dangerous items at any of its locations. Weapons or dangerous items include, but are not limited to, firearms, dirks, daggers (including "Vampire Straws"), ice picks, blackjacks, whips, metal knuckles, nunchaku, knives with a blade longer than three (3) inches (except for lawful use in food preparation or consumption), razors with an unguarded blade, tasers, stun guns, instruments that expel a metallic projectile (such as a BB or a pellet), spot marker guns (commonly known as a "paintball guns"), compressed air, gas, or spring actuated (airsoft) guns, fireworks, or other explosive devices. It is also a violation of this policy to use any item (i.e., scissors, baseball bat) in a manner that could or does result in an act of violence or a threat of violence against another person.

The use of a chemical irritant (e.g., pepper spray) will not be a violation of this policy if used solely for self-defense. Certified Law Enforcement Officers may wear a firearm or other weapon at a VTSU location in accordance with appropriate federal, state, and local law and their department policy, rules, and regulations.

In addition to prohibited weapons, ammunition is not allowed to be stored or possessed in university-owned, leased, and controlled buildings. Further, prohibited weapons, dangerous items, and ammunition may not be stored in any vehicles parked on property owned, leased, or controlled by Vermont State University.

For purposes of this policy, Vermont State University locations shall include all the lands, buildings, and facilities owned, leased, or controlled by Vermont State University. In addition, this policy applies to participants representing VTSU in a VTSU-related activity, even if not at a VTSU location. In the event a federal, state, county, or local law or ordinance is more restrictive than this policy, those laws or ordinances shall apply.

Requests for an exemption from this policy for academic, athletic, recreational, theatrical, club, or conference purposes may be requested in writing to the Dean of Students for Vermont State University. Each request will be considered on a case-by-case basis and evaluated by the Dean of Students, Director of Public Safety, and Associate Directors of Public Safety.

The Vermont State University Departments of Public Safety do not provide facilities for the storage of firearms.

Additional information is available in the VTSU *Student Handbook* found here:
https://vermontstate.edu/student-life-at-vermont-state/vermont-state-university-handbook/public-safety-policies/

Drug and Alcohol Policy

As recipient of federal aid and federal grants, the University must certify under the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989 that it will take certain steps to provide a drug-free workplace. The possession, use, consumption, sale, dispensing, distribution or manufacture of alcohol or controlled substances is prohibited on university property, while conducting University business or as a part of University activities, except on occasions when the consumption of alcoholic beverages in a social setting is authorized and sponsored by the University.

Students and employees who violate this policy will be subject to appropriate disciplinary action, consistent with federal, state, and local law, which may include counseling, mandatory participation in an appropriate rehabilitation program, suspension or dismissal from University Housing or the University in

general, unpaid suspension from employment, loss of the privilege of operating a University vehicle, and/or termination of employment and referral for prosecution.

Vermont State University prohibits the unlawful possession, use, distribution, or manufacture of illegal drugs, controlled substances and alcohol by employees and students on university property, in any University owned or leased facility, or as part of any University employment or activity. Improper possession, sale, distribution, and use of controlled substances, including but not limited to prescription drugs, is prohibited. Possession of drug paraphernalia is also prohibited.

Alcohol Policies

Vermont State University (VTSU) is committed to maintaining a safe, healthy, and productive learning and working environment. In compliance with the Drug-Free Schools and Communities Act Amendments of 1989 and the Drug-Free Workplace Act of 1988, VTSU has adopted and implemented a comprehensive program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on University premises or as part of any University activity.

The unlawful possession, use, distribution, dispensing, manufacture, or sale of alcohol, illegal drugs, controlled substances, or drug paraphernalia is strictly prohibited on all University-owned, leased, or controlled property, and at any location during official University activities or while conducting University business. Misuse, sharing, or unauthorized use of prescription medications is also prohibited. Students and employees are prohibited from being under the influence of alcohol or drugs in a way that endangers themselves or others or disrupts the University's learning or work environment. Alcohol may only be served at University-sponsored events with prior written approval and in accordance with Vermont law and University policy.

Violations of federal, state, or local drug and alcohol laws may result in serious legal consequences. Criminal sanctions for unlawful possession or distribution of controlled substances under federal law include fines, loss of federal financial aid, probation, and imprisonment. For instance, a first offense for illegal possession of a controlled substance may result in fines up to $1,000 and/or imprisonment of up to one year. Vermont laws also impose penalties for driving under the influence and unlawful possession or distribution of substances.

Use and abuse of alcohol and drugs carry significant health risks. These include impaired cognitive and motor function, liver and heart disease, depression, anxiety, addiction, memory loss, overdose, and death. Long-term misuse can lead to serious and irreversible health conditions, mental health disorders, and social and academic consequences.

VTSU will impose disciplinary sanctions on students and employees who violate this policy. These may include mandatory participation in counseling or rehabilitation programs, educational interventions, suspension or expulsion from the University, termination of employment, referral to law enforcement, and loss of University privileges. All sanctions will be imposed in accordance with University policies, applicable collective bargaining agreements, and consistent with local, state, and federal law.

Support services are available for members of the VTSU community affected by substance use. Students can access assistance through Student Wellness and the Dean of Students Office. Employees can seek support through the University's Employee Assistance Program (EAP) or Human Resources. Additionally, resources such as the Vermont Department of Health and the National Substance Abuse Helpline (1-800-662-HELP) provide external support and treatment referrals.

Each year, the University distributes this policy in writing to all employees and to every student enrolled for academic credit. Distribution may occur via email, the Student and Employee Handbooks, and University websites or portals. This annual notification includes the University's standards of conduct, legal sanctions, health risks, available support resources, and disciplinary consequences, as required under 34 CFR Part 86.

VTSU also conducts a biennial review of its alcohol and drug prevention program to determine its effectiveness, assess the consistency of disciplinary enforcement, and identify any needed changes. This review is coordinated by the Office of Student Affairs and Human Resources, with documentation retained for a minimum of three years. Additionally, the University certifies to the U.S. Department of Education that it has adopted and implemented this policy and prevention program as required by federal law. Records related to policy distribution, disciplinary actions, and program review will be retained for at least three fiscal years.

Questions about this policy or requests for assistance can be directed to the Dean of Students' Office, Human Resources, or Public Safety.

Online Resources, Education and Training:

- Alcoholics Anonymous: 1-212-870-3400 or **https://aa.org**
- Narcotics Anonymous: 1-818-773-9999 or **www.na.org**
- National Domestic Violence Hotline: 1-800-799-SAFE or **www.thehotline.org**
- National Drug Helpline: 1-844-289-0879 or **http://drughelpline.org/**
- National Institute on Drug Abuse/Treatment Hotline: 301-443-1124 or **www.drugabuse.gov/nidahome.html**
- National Suicide Hotline: 1-800-273-8255 Substance Abuse and Mental Health Services Administration (SAMHSA) National Helpline: 1-800-662-4347 or **https://www.samhsa.gov/findhelp/national-helpline**
- Vt Helplink: **https://vthelplink.org/**
- For further information, please refer to the official Vermont State Colleges Policy 306 on Alcohol and Substance use, available at: **https://www.vsc.edu/wp-content/uploads/2016/10/Policy-306-Alcohol-and-Substance-Use-Policy.pdf**

Substance-Free Residence Hall Areas

No possession or use of alcohol is permitted in substance-free designated areas, regardless of the student's age. It is the student's responsibility to know if they are on a substance-free designated floor. There are signs on the hall doors of all substance-free floors.

Cannabis Policy

Though cannabis sale and use are legal within the State of Vermont, it is strictly prohibited at the University. Cannabis is still considered a Schedule I Controlled Substance under federal law, and the University must prevent its possession, use, or distribution by students and employees due to the funding the University receives from the U.S. government.

Permissible Alcohol Use

Only students over 21 years of age may possess or consume alcohol. They must be in a private residence hall space, not a lounge, hallway, or lobby.

Those of legal drinking age may not possess alcoholic beverages in the residence hall room of an underage student who is not their roommate.

Responsible alcohol consumption requires that a person's actions are not disruptive, damaging, or threatening to themselves, others, or anyone's property. When alcohol use is permitted, it is always a privilege, never a right.

Allowable Quantities

Each resident, who is twenty-one or older, is allowed to possess one of the following:

Type of Alcohol	**ETOH%**	**Volume by Common Container/Packaging**
Beer/Malt	5-7%	12 oz x 24 (cans/bottles)
Wine	12%	750 mL x 4 (bottles/box)
Liquor	40% (80 proof)	750 mL x 1 (bottle)

Students are not permitted to possess or use common sources of alcohol or devices intended for the rapid consumption of alcohol including, but not limited to funnels; kegs; alcohol misting devices, etc. Such items may be considered aggravating circumstances when considering appropriate sanctions.

Host Liability

When a guest who has consumed alcohol on the host's premises does harm to themself, to a third party, or University or individual property, the host can be held liable. If the host supplies alcohol to a guest, then the host will be held responsible for injuries or damage to the guest or to third parties caused by the guest's alcohol-influenced actions. If the host supplies alcohol to a minor, the host will also be responsible and liable for supplying alcohol to a minor, which is in violation of Vermont State Law.

Consumption and/or Possession of Alcohol by a Minor

Under Vermont State law, no one under 21 years of age is permitted to be in possession of any type of alcohol container. There are serious penalties for anyone under the age of twenty-one who purchases or attempts to purchase alcohol by misrepresenting their age or by falsifying identification. Minors may not be present in a room where alcohol is being consumed, even if the minor is not drinking and others in the room are of legal drinking age.

Drinking, Substance Abuse, and Driving

Driving under the influence of alcohol or other drugs is against the law. Possession of open containers in motor vehicles on campus property is prohibited. Violators are subject to disciplinary action and will be referred to the Vermont State Police. Documented conviction of DUI charges may result in loss of campus vehicle privileges.

Substance Abuse

All community members are encouraged to become informed about substance abuse and its harmful effects. It is a serious problem that may require professional assistance and treatment. Students in need of assistance can seek information and confidential guidance at the Dean of Students. Staff in this office can also make referrals to outside agencies within the community.

If a student is worried about a friend, and this concern affects living habits, they are encouraged to seek help, both personally and for the other person while maintaining confidentiality.

Amnesty

Vermont State University considers the safety and well-being of our student body a priority. The University recognizes that there may be assistance needed for alcohol or other drug-related medical or safety emergencies and the potential for student conduct action or discipline could act as a deterrent to seeking help for themselves or others.

Vermont State University may offer immunity from disciplinary action that reporting students or the intoxicated/impaired individual may have committed. The University may, alternatively, consider educational opportunities in such cases.

Amnesty does not apply for subsequent alcohol or other drug-related medical or safety emergencies. This policy also does not grant amnesty from criminal, civil, or legal consequences for violations of Federal, State, or Local law. The University reserves the right to take disciplinary action on a case-by-case basis.

Public Intoxication

University officials are authorized to contact emergency and/or law enforcement services when life or community threatening behaviors are exhibited. These include the following:

- Impaired fine and gross motor skills as evidenced by significantly slurred speech, staggering gait, or inability to stand without support,
- Impaired level of consciousness as evidenced by confusion or inability to clearly express awareness of information relating to time and place,
- Display of a barely conscious or semi-stuporous state despite verbal and tactile attempts to wake a student.

Consequences for Violations of the Alcohol/Drug Policy

The following are minimal consequences that students may expect to receive if they are found responsible for violating the VTSU alcohol and drug policy. Additional consequences may apply as determined by the University or as mandated within state and federal law.
First Violation:

- Parental or guardianship notification
- Educational service hours or other administrative sanctions as deemed appropriate.
- Meeting with a professional Residential Life Staff Member

Depending on the severity of the violation, the following sanctions may be imposed:

Sanctions can be assigned individually or in combination, as appropriate. Disciplinary sanctions are cumulative and remain on a student's records throughout their attendance at VTSU.

1. **Written Warning:** An official written notification that a student's behavior has violated University policies, including expectations for future behavior. Further misconduct may be treated with more serious sanctions.
2. **Educational Sanctions:** Educational sanctions are used with the understanding that many students are still developing and learning during their time at VTSU. Some educational sanctions may include, but are not limited to: a formal apology, in writing and/or in person; mandatory counseling; a public presentation; reading books; watching videos; or reflective essay or research paper on a designated topic.
3. **Community Restitution:** Sanctions may require performance of a specified number of community restitution hours. This sanction may be fulfilled either on or off campus. In some cases, the University may require the student to perform Community Restitution hours with a specific program or in a specific place, as a type of Educational Sanction.
4. **Monetary Restitution/Fines:** When appropriate, a student may be required to pay restitution for damages, or other expenses incurred as a result of the student's actions and/or their non-student guests' actions. Monetary restitution may be required to the University, a specific department, or an individual.
5. **Parental Notification** FERPA allows parents and/or legal guardians of students under the age of 21 to be notified, without the student's consent, when a student is found responsible for a violation of the University's alcohol or drug policy. Vermont State University reserves the right to notify parents if deemed necessary. Disclosure may also be made to parents or legal guardians, or other appropriate parties, without the student's consent, if there is a concern of imminent risk of health or safety of the student or to the community.
6. **Mandated Assessment**: Student may be required to participate in an assessment (typically with a licensed mental health provider) to help determine the appropriate path for students to continue at VTSU. During a Mandated Assessment, special conditions may be put into place for that student for them to be able to attend VTSU.
7. **Restrictions**: Denial of access to classrooms, residence halls, computer labs, campus activities, and/or the elimination of other privileges.
8. **Hall Probation**: An indication that a student is no longer in good standing in the residence hall community. Further violations may result in immediate loss of eligibility to live in or visit the residence halls. Probationary status is issued for a stated period of time and may include specific restrictions on the student.
9. **Disciplinary Probation**: An indication that a student is no longer in good standing with the University community. Further violations may result in immediate suspension. Probationary status is typically issued for a stated period of time and may include specific restrictions.
10. **Suspended Termination of Residence Hall License**: The housing license will be placed under suspended termination which means that a student is put on notice that any further violation of university policy, may result in a student's removal from the residence halls. One's housing license would be placed on suspended termination for a specific period of time. A sanction of suspended termination means that a student will be permitted to live in the residence halls; however, a violation of any additional housing or university policies may result in the activation of

the student's suspension from housing. If the housing license is terminated, a student would be given due notice to vacate their residence hall room. Per the housing license, no refunds are warranted should a termination occur.

11. **Suspension from the Residence Halls**: A student may be prohibited from residing in or visiting any University residence hall on a temporary basis. Specific restrictions on access to residence halls during the period of suspension may be invoked. Suspension includes forfeiture of any fee rebate for the remainder of the housing contract.
12. **Disciplinary Suspension**: Suspension separates the student from the University for a specified period of time. While under disciplinary suspension, students are prohibited from entering the University grounds or buildings or attending any classes or University-sponsored events of any kind. The student may not register and/or enroll until the stated period of suspension (a maximum of two [2] years) is completed, and all other requirements are met. Suspended students will receive no refund of tuition, room, board, or other fees as a result of their suspension.
13. **Expulsion**: Student is permanently dismissed from the University and may not re-enroll. Students who have been expelled are prohibited from entering the University grounds, buildings, or attending University-sponsored events of any kind. Expelled students will receive no refund of tuition, room, board, or other fees as a result of their expulsion.

The University official who assigns any sanction that requires specific action(s) to be taken by the student will follow up to ensure conditions have been met. Non-completion of a sanction may result in further disciplinary actions which could include a fine, a hold being placed on the student's records; in some cases, failure to complete a sanction may result in suspension or expulsion.

Sanctions can be assigned individually or in combination, as appropriate. Disciplinary sanctions are cumulative and remain on a student's records throughout their attendance at VTSU.

The University official who assigns any sanction that requires specific action(s) to be taken by the student will follow up to ensure conditions have been met. Non-completion of a sanction may result in further disciplinary actions which could include a fine, a hold being placed on the student's records; in some cases, failure to complete a sanction may result in suspension or expulsion.

Note the following: The Family Education Rights and Privacy Act allow notification of parents and/or legal guardians in the case of violations of the University's drug/alcohol policy without student permission or consent. The University will consider informing a parent or guardian of such violations if the student is under 21 years of age.

Additional information is available in the VTSU *Student Handbook* found here: **https://vermontstate.edu/student-life-at-vermont-state/vermont-state-university-handbook/code-of-conduct/**

Alcohol and Drug Abuse Prevention Programming

VTSU-Castleton Campus

The VTSU-Castleton Wellness Center employs a full-time Director, a Full Time Lead counselor, Full time clinician, part- clinician, and graduate interns who are completing their master's degrees in clinical mental health. Students who violate VTSU-Castleton alcohol and/or drug policies may be referred to one of VTSU-Castleton campus-based counselors, as well as receive referrals to off-campus

counselors. Self-referred students who are experiencing difficulties related to alcohol and/or drug use are also provided with education, treatment, and referrals to off-campus providers when appropriate.

The VTSU-Castleton Wellness Center offers Screening, assessment, psychoeducation, and counseling services on campus. Students may self-refer or a required referral by the Dean of Students office due to concerns related to significant Drug or Alcohol use or due to mental health and safety concerns. Students are also welcome to seek other off-campus services. The Wellness Center has local referral lists available. All wellness center services are confidential, requiring a written release from the student before any communications or information is shared. Regardless of the reason for referral, the wellness center embraces a holistic, developmental, harm reduction model.

VTSU-Johnson Campus

VTSU-Johnson offers several outreach programs to the student community throughout the year in addition to week-long awareness events such as Consent Week and National Collegiate Alcohol Awareness Week in October. During these awareness weeks, the Student Government Association, Athletics, Student Life, Public Safety, and the VTSU-Johnson Wellness Center staff collaborate to provide increased awareness and education in engaging and informative ways. Additional outreach and education are also provided by outside community organizations such as the Recovery Center and Clarina Howard Nichols Center. In the spring the Wellness Center coordinates a Wellness fair which includes information tables hosted by several organizations within Lamoille County.

The University pursues grant funding to support and implement additional programs aimed at reducing relationship violence and alcohol abuse and works with local prevention coalitions and community partners to run social norms and marketing campaigns.

The VTSU-Johnson Wellness Center employs One part-time counselor, and graduate interns who are completing their master's degrees in clinical mental health. Students who violate VTSU-Johnson alcohol and/or drug policies may be referred to one of VTSU-Johnson's campus-based counselors, as well as receive referrals to off-campus counselors. Self-referred students who are experiencing difficulties related to alcohol and/or drug use are also provided with education, treatment, and referrals to off-campus providers when appropriate.

The VTSU-Johnson Wellness Center offers Screening, assessment, psycho-education, and counseling services on campus. Students may self-refer or a required referral by the Dean of Students office due to concerns related to significant Drug or Alcohol use or due to mental health and safety concerns. Students are also welcome to seek other off-campus services. The wellness Center has local referral lists available. All wellness center services are confidential, requiring a written release from the student before any communications or information is shared. Regardless of the reason for referral, the wellness center embraces a holistic, developmental, harm reduction model.

VTSU-Lyndon Campus

VTSU-Lyndon offers several proactive program opportunities for students in the form of interactive Residential Life programs, Wellness Center counseling and passive information available via bulletin boards and handouts. In addition, the Residential Life staff produces programming in recognition of the week-long awareness event, National Collegiate Alcohol Awareness Week, in October. During this week Residential Life provides increased awareness regarding the psychosocial and health risks associated with alcohol and drug use.

VTSU-Randolph Campus

The VTSU-Randolph wellness Center employs one Part-time counselor. The University has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to drug use and abuse including dissemination of informational materials, educational programs, counseling services, referrals and University disciplinary actions. This effort is the responsibility of many different areas of the institution, including:

Alcohol and Drug Education: University Health Services, Employee Assistance Program, Residence Life, Student Affairs

Counseling Services: Student Development Counselors, University Nurse, and Employee Assistance Program.

Referral Services: Student Development Counselors, University Nurse, Employee Assistance Program.

University Disciplinary Actions: Student Judicial Hearing, University Disciplinary Board, Employee Supervisor Meeting.

VTSU-Williston Campus

Students have access to a counselor on campus 4 days a week and through telehealth when needed.

Where to Get Help

Faculty and Staff: If you would like to talk to someone in confidence about a drug or alcohol-related problem, the Employee Assistance Program works closely with both public and private community agencies that provide medical and rehabilitative services to people in need of assistance with alcohol or drug dependency. Contact Michelle Zornes Human Resources Coordinator 802.626.6410.

Students: While there is a popular myth that all University students binge drink, the actual national survey statistics show that most University students choose to drink moderately or not at all. There are nonetheless some students who drink in high quantities and/or drink frequently. If you are concerned about your (or someone else's) relationship with alcohol and other drugs, there are a variety of resources available on campus through each campus's Wellness Centers. Alcohol and other drug-related services and programs including prevention, education, intervention, and treatment are available to all students. Several agencies can provide confidential information and consultation regarding drug and alcohol issues. Contact your campus Wellness Center for further information or contact a member of Public Safety or Residential Life and they will assist you.

Sexual Harassment / Sexual Assault / Title IX Polices

Vermont State University 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

All VSC Student affairs policies in their entirety are available on the Vermont State Colleges website here: https://www.vsc.edu/board-of-trustees/policies-procedures/student-affairs-policies

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 VTSU.

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.

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[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.

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 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]

[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.

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. 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:



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)*

CHANCELLOR'S PROCEDURES FOR IMPLEMENTATION OF POLICY 311: PREVENTION OF DISCRIMINATION (Revised 6/14/2025)

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, 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.

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

(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 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;

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[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.

(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.

Revised effective June 14, 2025

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

Amy Stuart, Director of Student Advising (Deputy Policy 311/Title IX)

Amy.Stuart@ccv.edu
802-654-0542

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

Jen Jones, AVP, Academic Support & Educational Opportunity (Deputy Policy 311/Title IX Coordinator)
Jen.Jones@vermontstate.edu

802-468-6404

	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** 802-635-1257
Lyndon:	Rebecca Kirkpatrick, Title IX and Protected Rights Coordinator (University wide) TitleIXCoordinator@vermontstate.edu (802) 910-8908 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

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 Resources (Employees):	Robert "Bo" Finnegan, Director of Human 660 Elm Street, Montpelier, VT 05602 **Robert.Finnegan@ccv.edu** (802) 828-2816
Community College of Vermont Students (Students):	Angie Albeck, Associate Dean of 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 VTSU.

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

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

[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.

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 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

[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.

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 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

[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.

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 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

[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.

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 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.

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

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

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[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).

(B) Suffer substantial emotional distress.

(ii) For purposes of this definition—

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

a. *Non-Title IX Sexual Assault*

[8] 34 C.F.R. § 668.46(a).

[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*.

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, 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;	VSCS Board of Trustees

		rescinded by operation of law	
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 (Revised 6/14/2025)

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 (orthe 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.

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

(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 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.

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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.

(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 hand led 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:

- 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

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.

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.

(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	National Headquarters
Office for Civil Rights	Office for Civil Rights
8th Floor	Lyndon Baines Johnson Dep't of Education Bldg
5 Post Office Square	400 Maryland Avenue, SW
Boston, MA 02109-3921	Washington, DC 20202-1100
Telephone: 617-289-0111	Telephone: 800-421-3481
FAX: 617-289-0150	FAX: 202-453-6012
TDD: 800-877-8339	TDD: 800-877-8339
Email: **OCR.Boston@ed.gov**	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
	Amy Stuart, Director of Student Advising (Deputy Policy 311/Title IX) **Amy.Stuart@ccv.edu** 802-654-0542
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 **TitleIXCoordinator@vermontstate.edu (**802) 910-8908
	Jen Jones, AVP, Academic Support & Educational Opportunity (Deputy Policy 311/Title IX Coordinator) **Jen.Jones@vermontstate.edu** 802-468-6404
Johnson:	Rebecca Kirkpatrick, Title IX and Protected Rights Coordinator **TitleIXCoordinator@vermontstate.edu (**802) 910-8908
	Sara Kinerson, AVP, Advising & Career Development (Deputy Policy 311/Title IX Coordinator) **Sara.Kinerson@vermontstate.edu** 802-635-1257
Lyndon:	Rebecca Kirkpatrick, Title IX and Protected Rights Coordinator **TitleIXCoordinator@vermontstate.edu (**802) 910-8908
	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 **TitleIXCoordinator@vermontstate.edu (**802) 910-8908
Williston:	Rebecca Kirkpatrick, Title IX and Protected Rights Coordinator **TitleIXCoordinator@vermontstate.edu (**802) 910-8908

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	**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 P.O. Box 163 129 Elm Street Bennington VT 05201 (802) 442-5107 **Jenna.Caslin@partner.vermont.gov**	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**

Preventing and Responding to Sexual Misconduct, Domestic Violence, Dating Violence and Stalking

Sexual misconduct often creates difficult emotional issues for the individual. Through regular educational programs, VTSU seeks to promote awareness and to inform students of risk reduction strategies and of the steps to take in the event of sexual misconduct. Copies of, or links to, this policy are made available annually to all students and employees.

Victims of sexual misconduct, domestic violence, dating violence, sexual assault, sexual exploitation or stalking have the following options:

- To notify either police or campus authorities,
- To obtain assistance from campus authorities to notify the police,
- The option to decline to notify police or campus authorities.

The University is committed to taking action against those who violate the code of conduct policies. A sexual misconduct violation can result in consequences up to and including criminal charges and dismissal from the University. The University is also committed to assisting individuals, regardless of whether the conduct occurs on or off campus. The following are important steps to take should an act of sexual misconduct occur:

- Get to a safe place as soon as possible. Contact a trusted person for support. This could include parents, a friend or;
    - Hall Advisor on duty
    - Public Safety,
    - Your academic advisor
    - The Residential life office,
    - The VTSU Wellness center
    - Local Medical Providers
    - Parents or a trusted friend
    - Suicide and Crisis Lifeline: Call or Text 988
    - Crisis Text Line: Text START to 741741

Further resources are available at: http://resolve.vsc.edu

- Do not wash, go to the bathroom, or change clothing, if it can be avoided. This will help to preserve physical evidence, should the individual decide to take legal action. If you must change clothing, all of the clothing worn at the time of the assault should be put in a paper bag (not plastic).
- Seek medical attention as soon as possible.
- Decide what actions to take (see below)

Everyone is strongly encouraged to report alleged violations. All Vermont State University employees who are not otherwise designated as a confidential source shall report any alleged violation of which they are aware
or made aware to:

Title IX and Protected Rights Coordinator

Rebecca KirkpatrickTitleIXCoorindator@VermontState.edu

If the alleged violation is reported to any official at the University, the general information will become part of the University's crime statistics. Personally identifiable information about victims will not be included in any publicly available record-keeping, including the reporting and disclosure of annual crime statistics.

If you are a victim of sexual misconduct, you may still decide what, if any, further action you would like to take. You may report it to the state or local police and/or you may report it to Public Safety, the Residence Life Office, or the Title IX and Protected Rights Coordinator (see above). Regardless of where the offense occurred, the University will provide you with a written explanation of your rights and options.

Choosing not to request official action at the time of the incident does not preclude requesting action at a future date, though the process of adjudication becomes more difficult over time. Please note that where circumstances warrant, the University may report and/or investigate an alleged violation even if you choose not to pursue official action. You are not obligated to cooperate in this process.

The institutional disciplinary process shall provide a prompt, fair, and impartial investigation, and resolution. The process will be conducted by officials who receive annual training on issues related to sexual misconduct (including sexual assault), domestic violence, dating violence, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. The University will use the preponderance of the evidence standard (i.e., whether it is more likely than not that a violation occurred).

The accuser and accused are entitled to have an advisor of their choosing present during the University's disciplinary and adjudication process. Both the accuser and accused shall be simultaneously informed, in writing, of: (a) the outcome of any University disciplinary proceeding that arises from an allegation of sexual misconduct, domestic violence, dating violence, or stalking; (b) the University's appeal procedures; (c) any change to the result that occurs prior to the time that the result becomes final; and (d) when the result of the disciplinary proceeding becomes final.

Immigration & Visa Information for Victims of Sexual & Interpersonal Violence

International students and scholars with questions about their immigration and visa status are advised to seek the assistance of an immigration attorney. This information is being provided as a resource to explain certain aspects of the law but is not a replacement for legal advice.

I've been a victim of assault; does my immigration status affect my ability to access on-campus resources?

No. Under the law, students and staff who are victims or survivors of sexual and interpersonal violence receive the same rights under Title IX of the 1972 Education Amendments (Title IX) and the Violence Against Women Act (VAWA), regardless of immigration and visa status. Information about on-campus medical and counseling resources, as well as available accommodations are available by contacting:

- **Castleton Wellness Center, Campus Center, 802-468-1346, CastletonWellness@VermontState.edu**

- **Johnson Wellness Center, Martinetti Hall, 802-635-1265, Wellness@VermontState.edu**
- **Lyndon Wellness Center, Rita Bole Complex, 802-626-6440, Wellness@VermontState.edu**
- **Randolph Wellness Center, Counseling-Conant Hall, Health Services-Keenan Hall, Wellness@VermontState.edu**
- **Williston, Wellness@VermontState.edu**
- **Killington, Wellness@VermontState.edu**
- **https://livevsc.sharepoint.com/sites/VTSUStudentSuccessResources/wellness**

Information about the student conduct process may be found at:

https://vermontstate.edu/student-life-at-vermont-state/vermont-state-university-handbook

The University will not retaliate against you or treat you differently on the basis of reporting a crime.

Can I press criminal charges as a documented or undocumented immigrant?

Yes. Information about Vermont's criminal definitions of sexual assault, domestic violence, dating violence, and stalking are set forth above in Appendix B to the Chancellor's Implementing Procedures for Policy 311-A.

Specific questions about filing charges may be addressed to Rebecca Kirkpatrick, Title IX and Protected Rights Coordinator, TitleIXCoordinator@vermontstate.edu.

Are there specific visa and immigration statuses for victims of crimes?

Yes. For victims of sexual assault, domestic violence, dating violence, and stalking, there may be other visa options, including U and T Visas. For specifics, talk to an immigration attorney.

U visa

- For victims of substantial physical or mental abuse as the result of certain criminal activity, including sexual abuse, domestic violence, rape, assault, or other related crimes
- Victim/applicant must be a victim of qualifying criminal activity and likely to be helpful to the investigation and/or prosecution of that criminal activity
- Generally valid for four years
- For more information, consult an immigration attorney, and see: http://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-criminal-activity-u-nonimmigrant-status/victims-criminal-activity-u-nonimmigrant-status

T visa

- For victims of human trafficking
- Must comply with reasonable requests from law enforcement for cooperation in investigation or prosecution of trafficking act(s) (unless unable to cooperate because of physical or psychological trauma), and must be able to demonstrate that the victim/applicant would suffer extreme hardship if removed from the United States
- Generally valid for four years
- For more information, consult an immigration attorney, and see: http://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status

Is there an office on campus that can provide me with additional information?

The Advising and Registration Office, located in Dewey Hall, can provide useful information regarding immigration status. Note that for questions regarding changes to other visa statuses, or legal options that fall outside of standard F-1 and J-1 student visas, or employer-sponsored work visas, consult a qualified immigration attorney.

Visa Options

F-1 and J-1 status students

- Options for reduced course-load approval due to medical conditions certified by a licensed medical doctor, doctor of osteopathy, or licensed clinical psychologist
- Options for, and consequences to, withdrawing from your academic program
- Information about returning to the academic program at a later date, if the student chooses to withdraw
- Options and consequences for accompanying spouses
- General information on options for changing visa status.
- General information on U and T visas. (Referral to a qualified immigration attorney)
- Referral to a qualified attorney

H-1B, O-1, E-3, or TN employees

- Options for a work leave of absence, and consequences to your immigration status
- Options and consequences for accompanying spouses
- General information on options for changing visa status. Referral to a qualified immigration attorney
- General information on U and T visas. (Referral to a qualified immigration attorney)
- Referral to a qualified immigration attorney

Pending U.S. permanent residents (green card not yet approved)

- Impact of leaving your employment on your pending employer-sponsored permanent resident application;
- Referral to a qualified attorney

What is an immigration lawyer and what do they do?

Immigration lawyers have licensed attorneys who specialize in the field of immigration law. They function as the client's advocate, and can represent them before immigration agencies, both in immigration court as well as in filing applications for immigration benefits. The lawyer can give general advice and can discuss immigration options. Like all lawyers, immigration lawyers are bound by professional ethical and legal requirements and keep client discussions confidential.

Where can I find a local immigration attorney?

U.S. Citizenship and Immigration Services (USCIS), a bureau of the Department of Homeland Security (DHS), offers two sites to help individuals find free or low-cost legal representation:

USCIS Find Help in your Community Webpage https://www.uscis.gov/citizenship/learners/find-help-your-community

USCIS Find Legal Services Webpage https://www.uscis.gov/avoid-scams/find-legal-services

The Board of Immigration Appeals (BIA) provides a **listing of attorneys by state who provide immigration services either for free or for little cost**. https://www.justice.gov/eoir/list-pro-bono-legal-service-providers-map

The **American Immigration Lawyers Association https://www.aila.org/** (AILA) offers an online **Immigration Lawyer Referral Service http://www.ailalawyer.org/** that can help a student or scholar find an immigration lawyer.

The American Bar Association also provides information on **finding legal services** **http://apps.americanbar.org/legalservices/findlegalhelp/home.cfm** by state.

Registered Sex Offender Information

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

Vermont Criminal Information Center (VCIC)
103 South Main St.
Waterbury VT 05671
802-241-5400
Email: **DPS.SOR@vermont.gov**
http://vcic.vermont.gov/

http://www.communitynotification.com/cap_office_disclaimer.php?office=55275

Training and Programs for Risk Reduction and Bystander Prevention

VTSU employs a full-time Coordinator of Advocacy and Health Education who provides education and resources on all VTSU campuses.

All new students and employees receive an orientation to the campus, which includes emergency procedures and assistance available from the Public Safety Department. Residence Life staff are trained to respond quickly and appropriately to emergencies and to provide safety and wellness training for students. There is also Title IX and code of conduct section in the Online training which is required for all newly enrolled VTSU students.

All new students and employees are made aware of the Vermont State Colleges POLICY 311: PREVENTION OF DISCRIMINATION and Policy 311-A is: PREVENTION OF SEXUAL MISCONDUCT . These policies educate employees and students and promote awareness. Additionally, all students and employees are regularly provided with the policies and their implementing procedures and are encouraged to review them at least annually.

Students receive educational information regarding alcohol, drug use and sexual violence during New Student Orientation and through Residential Life programming.

VTSU sponsors National Collegiate Alcohol Awareness week in the fall and Sexual Assault prevention week in the spring. There are VTSU counselors available to students when alcohol or drug sanctions warrant such follow up. Off campus substance abuse evaluations may be imposed for repeat offenders or egregious infractions of the Drug and Alcohol Policy.

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. Use these warning signs of abuse by your partner to see if 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 http://www.loveisrespect.org/is-this-abuse/is-this-abuse**)**

Bystander intervention options

If you see someone in danger of being assaulted:

- Step in and offer assistance. Ask if the person needs help. NOTE: Before stepping in, make sure to evaluate the risk. If it means putting yourself in danger, call 911 instead.
- Don't leave. If you remain at the scene and are a witness, the perpetrator is less likely to do something.
- 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 Tips and What You Can Do to Help

- Report all emergencies and possible criminal activities to Public Safety by calling
- Keep your car locked at all times.
- Keep your residence hall room or apartment locked at all times.
- Report lost or stolen ID cards and keys immediately to Public Safety.
- Do not prop open the front door of your building, if you find the front door propped open, close it.
- Be aware of anyone that might be trying to gain entry into your residence hall by following closely behind you as you swipe in.
- Avoid walking alone after dark.
    - Walk with friends or
    - Call Public Safety for an escort at any time
- Do not leave property unattended in suites, lounges, hallways, classrooms, or elsewhere on campus.
- Do not bring valuables such as jewelry with you to your residence hall room- 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.
- Take advantage of training programs available on campus

VTSU Crime Statistics

The Clery Act requires VTSU to report statistics for certain crimes reported to have occurred on and around campus and at other properties owned or controlled by the institution that is frequently used by students in support of an educational program. In addition to crime report statistics, the University also must report statistics for certain crimes determined to be motivated by bias or hate (hate crimes), as well as certain arrests and disciplinary referrals to the campus judicial process.

It is important to note that the Clery Act may define a particular crime differently than that crime is defined under Vermont law or the jurisdiction where an incident took place. For purposes of this report, the University uses the Clery Act definitions, which have been adopted from the Federal Bureau of Investigation's Uniform Crime Reporting Handbook (UCR), the National Incident-Based Reporting System Edition of the UCR for sex offenses, and the Violence Against Women Reauthorization Act of 2013. The definitions used for crime classification under the Clery Act are used by institutions throughout the United States.

The Clery Act requires that the statistical information in this report be broken down into standardized geographic categories. These categories are defined by the Department of Education and are used by all colleges and universities with Clery reporting obligations. In the statistical tables in this section, the data is broken down by both the type of offense and the geographic location where the offense occurred, as required by law.

This year, the Annual Security Report changed its classification of what counts as a drug law violation to reflect Vermont's decriminalization of marijuana. This was done after consultation with the U.S. Department of Education. The University is no longer reporting violations of federal drug laws for substances decriminalized in Vermont. For this reason the number of drug law violations compared to previous years has decreased.

A note on unfounded crimes: For Clery Act purposes a crime can be determined to be unfounded only after a full investigation by sworn law enforcement personnel and after the sworn law enforcement officer makes a formal determination that the report is false and baseless.

Unfounded Crimes
2023: No unfounded crimes.
2024: No unfounded crimes.
2025: No unfounded crimes.

VTSU-Castleton Crime Statistics

	VTSU-Castleton Campus											
Criminal Offenses	On-Campus			On Campus-In Residence Hall			Non Campus Buildings			On Public Property		
	2023	2024	2025	2023	2024	2025	2022	2023	2025	2023	2024	2025
Murder/Non-Negligent manslaughter	0	0	0	0	0	0	0	0	0	1	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Forcible Sex Offenses (Includes rape)	0	0	1	0	0	1	0	0	0	0	0	0
Fondling	1	0	0	1	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	4	5	5	3	4	0	0	0	0	0	0	0
Motor Vehicle Theft	0	1	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Violence against women Act (VAWA) Offenses												
Domestic Violence	1	1	0	1	1	0	0	0	0	0	0	0
Dating Violence	0	1	2	0	0	2	0	0	0	0	0	0
Stalking	1	1	4	0	1	3	0	0	0	0	0	0
Arrests and Disciplinary Referrals												
Arrests: Weapons: Carrying, Possessing, Etc.	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, etc.	0	0	3	0	0	3	0	0	0	0	0	0
Arrests: Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0
Arrests: Liquor Law Violations	1	0	0	1	0	0	0	0	0	2	0	0
Disciplinary Referrals: Liquor Law Violations	34	56	67	34	54	64	0	0	0	0	0	0

VTSU-Johnson Crime Statistics

	VTSU-Johnson Campus											
Criminal Offenses	On Campus			On Campus-In Residence Hall			Non Campus Buildings			On Public Property		
	2023	2024	2025	2023	2024	2025	2023	2024	2025	2023	2024	2025
Murder/Non-Negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Forcible Sex Offenses (Includes rape)	1	1	0	1	1	0	0	0	0	0	0	0
Fondling	0	1	0	0	1	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	1	0	0	1	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	1	0	0	1	0	0	0	0	0	0	0
Violence against women Act (VAWA) Offenses												
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	3	0	0	1	0	0	0	0	0	0	0
Arrests and Disciplinary Referrals												
Arrests: Weapons: Carrying, Possessing, Etc.	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, etc.	0	0	0	0	0	0	0	0	0	0	0	0
Arrests: Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0
Arrests: Liquor Law Violations	0	1	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	5	17	12	5	17	12	0	0	0	0	0	0

VTSU-Lyndon Crime Statistics

	VTSU-Lyndon Campus											
Criminal Offenses	On Campus			On Campus-In Residence Hall			Non Campus Buildings			On Public Property		
	2023	2024	2025	2023	2024	2025	2023	2024	2025	2023	2024	2025
Murder/Non-Negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Forcible Sex Offenses (Includes rape)	0	1	5	0	1	4	0	0	0	0	0	0
Fondling	0	0	1	0	0	1	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	1	1	0	0	1	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Violence against women Act (VAWA) Offenses												
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	3	2	1	3	2	1	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Arrests and Disciplinary Referrals												
Arrests: Weapons: Carrying, Possessing, Etc.	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, etc.	0	0	0	0	0	0	0	0	0	0	0	0
Arrests: Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Drug Abuse Violations	1	0	0	1	0	0	0	0	0	0	0	0
Arrests: Liquor Law Violations	1	1	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	44	8	5	44	8	5	0	0	0	0	0	0

VTSU-Randolph Crime Statistics

	VTSU-Randolph Campus											
	On Campus			On Campus–In Residence Hall			Non–Campus Buildings			On Public Property		
	2023	2024	2025	2023	2024	2025	2023	2024	2025	2023	2024	2025
Murder/Non–Negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Forcible Sex Offenses (Includes rape)	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	1	0	0	1	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	1	2	4	0	0	1	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Violence against women Act (VAWA) Offenses												
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	1	0	0	1	0	0	0	0	0	0
Stalking	0	1	0	0	0	0	0	0	0	0	0	0
Arrests and Disciplinary Referrals												
Arrests: Weapons: Carrying, Possessing, Etc.	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, etc.	1	2	0	1	0	0	0	0	0	0	0	0
Arrests: Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0
Arrests: Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	1
Disciplinary Referrals: Liquor Law Violations	16	21	30	15	21	29	0	0	0	0	0	0

VTSU-Williston Crime Statistics

	VTSU-Williston Campus											
	On Campus			On Campus–In Residence Hall			Non–Campus Buildings			On Public Property		
Criminal Offenses	2023	2024	2025	2023	2024	2025	2023	2024	2025	2023	2024	2025
Murder/Non–Negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Forcible Sex Offenses (Includes rape)	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	1	0	0	0	0	0	0	0	1	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Violence against women Act (VAWA) Offenses												
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Arrests and Disciplinary Referrals												
Arrests: Weapons: Carrying, Possessing, Etc.	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, etc.	0	0	0	0	0	0	0	0	0	0	0	0
Arrests: Drug Abuse Violations	0	0	0	0	0	0	0	0	0	1	0	0
Disciplinary Referrals: Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0
Arrests: Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0

VTSU-Killington Crime Statistics

	VTSU-Killington Campus											
Criminal Offenses	On-Campus			On Campus-In Residence Hall			Non Campus Buildings			On Public Property		
	2023	2024	2025	2023	2024	2025	2023	2024	2025	2023	2024	2025
Murder/Non-Negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Forcible Sex Offenses (Includes rape)	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0		0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Violence against women Act (VAWA) Offenses												
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Arrests and Disciplinary Referrals												
Arrests: Weapons: Carrying, Possessing, Etc.	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, etc.	0	0	0	0	0	0	0	0	0	0	0	0
Arrests: Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0
Arrests: Liquor Law Violations	2	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2	0	0	2	0	0	0	0	0	0	0	0

VTSU non-campus buildings

In addition to the campuses listed above, VTSU utilizes the following non-campus locations:

Manchester New Hampshire: MHCGM Conference Rooms, 3rd and 4th floor, 2 Wall St. Manchester, NH 03101
No Clery reportable crimes were reported in the past 3 reporting years (2023, 2024, 2025).

Wausau, Wisconsin: UW Stevens Point at Wausau, 518 South 7th Ave, Wausau WI South 7th Avenue, 54401
No Clery reportable crimes were reported in the past 3 reporting years (2023, 2024, 2025).

Anchorage Alaska: 3601 Ct, 8th floor, DHHS Conference Rooms, Anchorage AK, 99503
No Clery reportable crimes were reported in the past 3 reporting years (2023, 2024, 2025).

VTSU Nursing Sites:

Bennington, VT 110 South St. Bennington, VT
No Clery reportable crimes were reported in the past 3 reporting years (2023, 2024, 2025).

White River Junction, VT 145 Billings Farm Rd. White River Junction, VT
No Clery reportable crimes were reported in the past 3 reporting years (2023, 2024, 2025).

Lyndon, VT 1066 College Rd, Telepresence Room Vail Hall Room 120, Lyndonville, VT Johnson, VT 212 Pond Rd,
No Clery reportable crimes were reported in the past 3 reporting years (2023, 2024, 2025).

Telepresence Room Library Room 215, Johnson, VT
No Clery reportable crimes were reported in the past 3 reporting years (2023, 2024, 2025).

Newport, VT 209 Veterans Ave. Telepresence Room at North Country Union High, Newport, VT St. Albans, 4 Hospital Dr.
No Clery reportable crimes were reported in the past 3 reporting years (2023, 2024, 2025).

Telepresence Room Bellows Free Academy, St. Albans, VT
No Clery reportable crimes were reported in the past 3 reporting years (2023, 2024, 2025).

ANNUAL HATE CRIME STATISTICS

In addition to the crime statistics listed above, the Higher Education Opportunity Act of 2008 and the Campus Sexual Violence Elimination Act (SaVE ACT) of 2013, require VTSU to report the Clery Act crimes of larceny-theft, intimidation, simple assault, and Destruction/Damage vandalism if those crimes were determined to be bias-motivated. To be a biased or hate crime, the victim is intentionally selected because of their actual or perceived race, gender, religion, sexual orientation, gender identity, ethnicity, national origin, or disability.

Larceny-Theft: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive Possession is the condition in which a person does not have physical custody or possession but is in a position to exercise dominion or control over a thing.

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property: To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it. Incidents of burning that willfully or maliciously destroy, damage, or deface property are counted as Arson, not Destruction/Damage/Vandalism of Property.

VTSU-Castleton Campus

2023: One (1) on-campus, non residential, destruction/damage/vandalism of property characterized by religion.
2024: One (1) on-Campus, non-residential, destruction/damage/vandalism of property characterized by National Origin
2025: One (1) on-campus, non-residential, Intimidation characterized by National Origin
One (1) on campus, non-residential, intimidation characterized by Sexual Orientation
One (1) on campus, non-residential, intimidation characterized Disability

VTSU-Johnson Campus

2023: There were no incidents of hate crimes during the 2023 calendar year.
2024: One (1) on-campus, in residence hall, discrimination characterized by race
2025: There were no incidents of hate crimes during the 2025 calendar year.

VTSU-Lyndon Campus

2023: One (1) on-campus, in residence hall, Destruction/Damage/Vandalism of Property characterized by gender
One (1) on-campus, in residence hall, Destruction/Damage/Vandalism, characterized by sexual orientation and ethnicity.
2024: One(1) on-campus in Residence Hall, Destruction/Damage/Vandalism of Property crime characterized by Gender Identity
One (1) on-campus, Intimidation characterized by race
2025: One (1) On-campus, non-residential, intimidation characterized by Race
One (1) on-campus, non-residential, intimidation characterized Sexual Orientation

VTSU-Randolph Campus

2023: One (1) on-campus, in residence hall, Destruction/damage/vandalism of property characterized by Gender

2024: There were no incidents of hate crimes during the 2024 calendar year

2025: There were no incidents of hate crimes during the 2025 calendar year.

VTSU-Williston Campus

2023: There were no incidents of hate crimes during the 2023 calendar year.
2023: There were no incidents of hate crimes during the 2023 calendar year.
2025: There were no incidents of hate crimes during the 2025 calendar year.

VTSU-Killington Campus

2023: There were no incidents of hate crimes during the 2023 calendar year.
2024: There were no incidents of hate crimes during the 2024 calendar year.
2025: There were no incidents of hate crimes during the 2025 calendar year.

Definition of Terms

The following terms are defined from the Code of Federal Regulations, Title 34, Volume 3, and revised as of October 20, 2014. (34CFR668.46)

The term "on-Campus" means:

- Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
- Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, which is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as food or other retail vendor).

The term "on-Campus Student Housing Facility" means:

- Any student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

The term "non-campus building or property" means:

- Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
- Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of the institution.

The term "Public Property" means:

> All public property, including thoroughfares, streets, sidewalks, and parking facilities, which is within the campus, or immediately adjacent to and accessible from the campus.

Definitions Used for Crime Statistics

Under the Clery Act, campuses are required to report crime statistics for certain offenses, hate crimes, arrests, and disciplinary referrals for violations of the law. The Clery Act may define a particular crime differently than how the crime is defined under the Vermont Law. For purposes of this report, VTSU uses the Clery Act definitions, which have been adopted from the FBI's Uniform Crime Reporting (UCR) Program. The definitions for Murder, Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Weapons Violations, Drug Abuse Violations, and Liquor Law Violations are from the Summary Reporting System (SRS) User Manual from the FBI's UCR Program. The definitions of Fondling, Incest, and Statutory Rape are from the FBI's National Incident-Based Reporting System (NIBRS) Data Collection Guidelines edition of the UCR. Hate Crimes are classified according to the FBI's Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Manual. Note that, although the law states that institutions must use the UCR Program definitions, Clery Act crime reporting does not have to meet all the other UCR Program standards.

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Murder/Non-Negligent Manslaughter: The willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

Manslaughter by Negligence: The killing of another person through gross negligence.

Sexual Assault (Sex Offenses): Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Including attempted Sexual Assaults.

> **Rape:** The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
>
> **Criminal 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.
>
> **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear

Aggravated Assault: Aggravated Assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Burglary: The unlawful entry of a structure to commit a felony or theft. For reporting purposes, this definition includes unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft: Theft or attempted theft of a motor vehicle (e.g., automobile, truck, sport utility vehicle, bus, motorcycle, motor scooters, mopeds, all-terrain vehicles, self-propelled motor homes, snowmobiles, golf carts, motorized wheelchairs, etc.). This includes all cases where motor vehicles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding

Law Violations: the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

Drug Abuse Violations: the violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

Liquor Law Violations: The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance, and all attempts to commit any of the aforementioned. Drunkenness and driving under the influence are not included in this definition, nor is possession of alcohol by an individual 21 years of age or older where such possession is in violation of University Policy, i.e. in an alcohol/drug-free residence hall.

The term "Arrest" as defined for Clery act purposes is: Persons processed by arrest, citation, or summons, such as Those persons arrested and released without a formal charge being placed against them. (An arrest has occurred when a law enforcement officer detains an adult with the intention of seeking charges against the individual for a specific offense(s) and a record is made of the detention.)

Unfounded crimes: For Clery Act purposes a crime can be determined to be unfounded only after a full investigation by sworn law enforcement personnel and after the sworn law enforcement officer makes a formal determination that the report is false and baseless

Note on Updated Clery/TIX Definition:

The Federal Bureau of Investigation (FBI) Uniform Crime Reporting (UCR) Program, through its National Incident-Based Reporting System (NIBRS), has recently updated the definitions of sex offenses. Specifically, the term "Fondling" has been eliminated and replaced with "Criminal Sexual Contact."

Criminal 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).

This updated definition is broader than the prior "Fondling" definition and must be applied in Clery Act data collection, reporting, and categorization beginning with the 2025 reporting cycle.