

SEXUAL MISCONDUCT, INTIMATE PARTNER VIOLENCE AND STALKING POLICY

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Introduction and Notice of Non-Discrimination

It is the policy of Champlain College ("Champlain" or the "College") to maintain an environment for students, faculty, administrators, staff, and visitors that is free of all forms of unlawful discrimination and harassment, including sexual misconduct. The College has enacted this Sexual Misconduct, Intimate Partner Violence and Stalking Policy (the "Policy") to reflect and maintain its institutional values and community expectations, to provide for fair and equitable procedures for determining when this Policy has been violated, and to provide recourse for individuals and the community in response to violations of this Policy.

This Policy prohibits sexual or gender-based discrimination, harassment, and misconduct, including sexual assault, non-consensual sexual contact, and sexual exploitation, as defined below. It also prohibits intimate partner violence and stalking, as defined below. The Policy also prohibits retaliation against a person because they have reported, complained about, or participated in good faith in an investigation of conduct covered by this Policy. All of the foregoing conduct shall be referred to collectively as "Prohibited Conduct."

Champlain does not discriminate on the basis of sex in its educational, extracurricular, athletic, or other programs or in the context of employment. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Sexual harassment is also prohibited under Title IX, Title VII of the Civil Rights Act of 1964, and other applicable statutes. This Policy prohibits sexual harassment against Champlain community members of any sex, sexual orientation, or gender identity in the

context of education or employment. This Policy also prohibits gender-based harassment that does not involve conduct of a sexual nature.

The College strongly encourages all members of our community to take action to maintain and facilitate a safe, welcoming, and respectful environment on campus. In particular, the College expects that all Champlain community members will take reasonable and prudent actions to prevent or stop Prohibited Conduct. The College strongly supports bystander intervention and supports individuals who choose to take such action and will protect such individuals from retaliation.

Upon receipt of a report, the College will take equitable action to eliminate the Prohibited Conduct (if any), prevent its recurrence, and remedy its effects. In addition, the College will fulfill its obligations under the Violence Against Women Reauthorization Act of 2013 ("VAWA") amendments to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") in response to reported Prohibited Conduct. The College's process for investigating and responding to reported Prohibited Conduct is outlined below. Students or employees who are found to have violated this Policy may face disciplinary action up to and including dismissal (students) or termination of employment (faculty or staff).

Champlain also prohibits other forms of discrimination and harassment, including discrimination and harassment on the basis of race, color, national origin, ancestry, age, religious belief, marital status, physical or mental disability, medical condition, veteran status, or any other characteristic protected by federal, state, or local law. Such prohibited conduct is addressed in other College policies prohibiting discrimination, harassment and retaliation based on protected status (other than sex or gender).

Scope of Policy

This Policy applies to all reports of Prohibited Conduct occurring on or after the effective date of this Policy. Where the date of the reported Prohibited Conduct precedes the effective date of this Policy, the definitions of misconduct in existence at the time of the report will be used. The Investigation Process under this Policy, however, will be used to investigate and resolve all reports made on or after the effective date of this Policy, regardless of when the incident(s) occurred.

When used in this Policy, "complainant" refers to the individual who is identified as the subject of Prohibited Conduct. "Respondent" refers to the individual alleged to have engaged in Prohibited Conduct. A "Third-Party" refers to any other participant in the process, including a witness or an individual who makes a report on behalf of a complainant.

Persons Covered

This Policy applies to all Champlain community members, including students, faculty, administrators, staff, volunteers, vendors, contractors, visitors, and individuals regularly

or temporarily employed, conducting business, studying, living, visiting, or having any official capacity with the College or on its property.

The College strongly encourages reports of Prohibited Conduct regardless of who engaged in the conduct. Even if the College does not have jurisdiction over the respondent, the College will take action, to the extent that it is reasonably able to do so, to provide for the safety and well-being of the complainant and the broader campus community.

Locations Covered

This Policy applies to all on-campus conduct and some off-campus conduct, as described below. The College strongly encourages reports of Prohibited Conduct regardless of location. Even if the Policy does not apply to the conduct because of its location, the College will take action, to the extent that it is reasonably able to do so, to provide for the safety and well-being of the complainant and the broader campus community. Students participating in third party study abroad experiences will be subject to the guidelines established by the host institution and may, if deemed appropriate by Champlain College, also be subject to investigation and sanction under this Policy and/or other Champlain College policies as well.

- 1. On-Campus Conduct.** This Policy applies to conduct that occurs on-campus, including conduct which occurs on property owned or managed by the College.
- 2. College Programs.** This Policy applies to conduct that occurs in the context of College employment or education programs or activities, including, but not limited to, Champlain Online, Champlain Study Abroad or internship programs.
- 3. Off-Campus Conduct.** This Policy also applies to conduct that occurs off campus and has continuing adverse effects on, or creates a hostile environment for, any member of the Champlain community on-campus or in any College employment or education program or activity.

Prohibited Conduct and Definitions

Sex or Gender-Based Discrimination

Sex or gender-based discrimination refers to the disparate treatment of a person or group because of that person's or group's sex, sexual orientation, or gender identity.

Sexual or Gender-Based Harassment

"Harassment" is conduct that creates an intimidating, offensive, or hostile working or learning environment or that unreasonably interferes with work or academic performance based on a person's protected status, including sex, sexual orientation, or gender identity. All such conduct is unlawful.

"Sexual Harassment" is any unwelcome sexual advance, request for sexual favors, or other unwelcome conduct of a sexual nature, whether verbal, physical, graphic, or otherwise.

"Gender-Based Harassment" is harassment based on sex, sexual orientation, or gender identity, which may include acts of aggression, intimidation, or hostility, whether verbal, physical, graphic, or otherwise. To qualify as Gender-Based Harassment, the conduct need not involve conduct of a sexual nature.

Generally speaking, harassment can be divided into two types of conduct:

1. *Quid Pro Quo Harassment*. Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, academic standing, or participation in any aspect of a College program or activity or is used as the basis for the College's decisions affecting the individual.
2. *Hostile Environment*. A hostile environment exists when the conduct is sufficiently severe, pervasive, or persistent that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the College's education or employment programs and/or activities. Whether conduct is sufficiently severe, pervasive, or persistent is determined both from a subjective and objective perspective.

Harassing conduct can take many forms. The determination of whether an environment is hostile is based on the totality of the circumstances, including but not limited to: (1) the frequency of the conduct; (2) the nature and severity of the conduct; (3) whether the conduct was physically threatening; (4) the effect of the conduct on the complainant's mental or emotional state, with consideration of whether the conduct unreasonably interfered with the complainant's educational or work performance and/or College programs or activities; (5) whether the conduct was directed at more than one person; and (6) whether the conduct arose in the context of other discriminatory conduct.

A single isolated incident may create a hostile environment if the incident is sufficiently severe, particularly if the conduct is physical. A single incident of Sexual Assault, for example, may be sufficiently severe to constitute a hostile environment. In contrast, the perceived offensiveness of a single verbal or written expression is typically not sufficient to constitute a hostile environment.

Sexual or Gender-Based Harassment:

- May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- May be committed by anyone, regardless of gender, age, position or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational or employment relationships, harassment can occur in any context.

- May be committed by a stranger, an acquaintance, or someone with whom the complainant has an intimate or sexual relationship.
- May be committed by or against an individual or may be a result of the actions of an organization or group.
- May occur by or against an individual of any sex, sexual orientation, or gender identity.
- May occur in the classroom, in the workplace, in residential settings, or in any other setting.
- May be a one-time event or can be part of a pattern of behavior.
- May be committed in the presence of others or when the Parties are alone.
- May affect the complainant and/or Third Parties who witness or observe harassment and are affected by it.

Examples of conduct that may constitute Sexual Harassment as defined above may include a severe, persistent or pervasive pattern of unwelcome conduct of a sexual nature that includes but is not limited to one or more of the following:

- **Physical conduct**, including unwelcome touching, sexual/physical assault, impeding, restraining, or blocking movements, or unwanted sexual advances;
- **Verbal conduct**, including making or using derogatory comments, epithets, slurs or humor; verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations; or objectively offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes, or anecdotes;
- **Visual conduct**, including leering, making sexual gestures, displaying suggestive objects or pictures, cartoons, or posters in a public space or forum; or severe, persistent, or pervasive visual displays of suggestive, erotic, or degrading sexually oriented images that are not pedagogically appropriate;
- **Written conduct**, including letters, notes or electronic communications containing comments, words, or images described above;
- **Quid pro quo conduct**, including direct propositions of a sexual nature between those for whom a power imbalance or supervisory or other authority relationship exists; offering educational or employment benefits in exchange for sexual favors; making submission to sexual advances an actual or implied condition of employment, work status, promotion, grades, or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or work purpose; or making or threatening reprisals after a negative response to sexual advances.

Types of Sexual Misconduct

Sexual misconduct may include sexual assault, non-consensual sexual contact, sexual exploitation, or all of the above.

1. Sexual Assault: Sexual assault may be either rape, incest, or statutory rape, as defined in the Clery Act and below.

Rape is 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.

Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law in the applicable jurisdiction.

Statutory rape is sexual intercourse with a person who is under the statutory age of consent in the applicable jurisdiction.

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.

Sexual assault is defined as including participating in a sexual act with another person:

- By compelling the other person to participate in the sexual act without consent; or
- By threatening or coercing the other person; or
- By placing the other person in fear that any person will suffer imminent bodily injury; or
- By impairing substantially the ability of the other person to appraise or control conduct by administering or employing drugs or intoxicants without the knowledge of or against the will of the other person; or
- When the respondent knows, or reasonably should know based on an objective standard, that the other person's ability to give or withhold consent is impaired:
 - by the consumption of drugs, alcohol or other intoxicants; or
 - because the other person is subject to a physical or mental incapacity such as sleep or unconsciousness.
- By participating in situations when the other person is physically incapable of resisting or of communicating an unwillingness to participate; or
- By participating in situations when the other participant is under the age of 16 or the acts in question constitute incest.

2. Non-consensual sexual contact: Non-consensual contact includes:

- acts that would constitute "fondling" as defined in the Clery Act (that is, the touching of the private body parts of another person for the purpose of sexual gratification, without the consent (as defined below) of the other person, including instances where the victim is incapable of giving consent because of his/her temporary or permanent mental incapacity);
- causing an individual to touch their own private body parts, touching another individual's body with a private body part, or disrobing or exposure of another without permission.

- Private body parts for purposes of this definition include breasts, genitals, buttocks, or groin.

3. Sexual Exploitation: 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. Examples of behavior that could constitute sexual exploitation include but are not limited to the following:

- intentional non-consensual contact with the private body parts of a person that does not meet the definition of behaviors prohibited under the definition of "sexual assault" found above;
- prostituting another person;
- recording or capturing through any means images (e.g., video and photographs) or audio of another person's sexual activity, intimate body parts, or nudity without that person's consent;
- distributing images (e.g., video or photographs) or audio of another person's sexual activity, intimate body parts or nudity if the individual distributing the images or audio knows or should have known that the person(s) depicted in the images or audio did not consent to such disclosure and object(s) or would object to such disclosure; and,
- viewing another person's sexual activity, intimate body parts or nudity in a place where that person had a reasonable expectation of privacy, without that person's consent, if the individual viewing the other person(s) sexual activity, intimate body parts, or nudity in such a place knows or should have known that the person(s) being viewed would object to that.

*Exception: Champlain College's prohibition of sexual exploitation is not intended to prohibit the use of sexually explicit materials that are reasonably related to Champlain College'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" they arise appropriately to promote genuine discourse, free inquiry and learning.

Types of Intimate Partner Violence

Intimate Partner Violence may be either domestic violence, dating violence, or domestic or dating misconduct, defined as follows:

1. Domestic Violence: Domestic violence is violence or the threat of imminent violence committed-

- By a current or former spouse or intimate partner of the person subjected to the violence;
- By a person with whom the person subjected to the violence shares a child in common;

- By a person who is cohabitating with, or has cohabitated with, the person subjected to the violence as a spouse or intimate partner;
- By a person similarly situated to a spouse of the person subjected to the violence under the domestic or family violence laws of the jurisdiction in which the violence occurred, or;
- By any other person against an adult or youth who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the violence occurred.

As a matter of Champlain College policy, the College strictly prohibits conduct that would constitute domestic violence as defined above. The College encourages complainants who believe they are being or have been subjected to such conduct, and others with knowledge of such conduct, to report the conduct to the College through the procedures described below, and to seek the support of the College and/or external resources identified in this policy.

2. Dating Violence: Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the person subjected to the violence. The existence of such a relationship shall be determined based on the parties' statements and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse, if involving individuals who are or have been dating as defined here.

Dating violence does not include acts covered under the definition of domestic violence stated above.

As a matter of Champlain College policy, the College strictly prohibits conduct that would constitute dating violence as defined above. The College encourages individuals who believe they are being or have been subjected to such conduct, and others with knowledge of such conduct, to report the conduct to the College through the procedures described below, and to seek the support of the College and/or external resources identified in this Policy.

3. Domestic or Dating Misconduct:

Domestic or dating misconduct is defined as threatening or coercive behavior that does not involve violence, but that occurs in the context of a domestic or dating relationship. The criteria for determining the existence of a domestic or dating relationship are provided in the above definitions of Domestic Violence and Dating Violence. Examples of Domestic or Dating Misconduct include but are not limited to the following, when occurring in the context of a domestic or dating relationship:

- conduct that may reasonably be expected to exploit or coerce;

- kidnapping and/or restraint;
- prevention of another's ability to communicate or move freely;
- violation of another's privacy;
- unauthorized entry and/or uninvited or unwanted presence in another's room or office.

Stalking

Stalking: □ "Stalking" is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition:

- *Course of conduct* means two or more acts, including, but not limited to, acts in which the alleged 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.
- *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the person subjected to the stalking.
- *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

As a matter of Champlain College policy, the College strictly prohibits stalking as defined above. The College encourages complainants who believe that they are being or have been subjected to such conduct, and others with knowledge of such conduct, to report the conduct to the College through the procedures described below, and to seek the support of the College and/or external resources identified in this Policy.

When part of a pattern of behavior that falls within the definition of stalking described above, examples of stalking behaviors or activities may include, but are not limited to:

- 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;
- Use of online, electronic or digital technologies in connection with such communication, including but not limited to:
 - posting of pictures or texts in chat rooms or on websites;
 - sending unwanted/unsolicited e-mails 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;

- using Global Positioning Systems (GPS) or similar technology to monitor a person.
- Pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the person;
- Surveillance or other types of observation including staring or "peeping";
- Trespassing;
- Vandalism;
- Non-consensual touching;
- Direct verbal or physical threats;
- Gathering information about an individual from friends, family, or co-workers;
- Accessing private information through unauthorized means;
- Threats to harm self or others;
- Using a third party or parties to accomplish any of the above.

Sexual Misconduct & Intimate Partner Violence: Definitions of Key Terms; Other Considerations

To provide clarity to all individuals as to the kinds of behavior which constitute Sexual Misconduct, Intimate Partner Violence and/or Stalking, the College further defines key terms, which the College will use in evaluating whether Prohibited Conduct has occurred.

For the purpose of this policy "consent" is defined as follows:

1. Consent

Consent is a voluntary agreement to engage in sexual activity, demonstrated by words or actions freely and actively given by each party, which a reasonable person would interpret as a willingness to participate in agreed upon sexual conduct.

Someone who is incapacitated cannot effectively consent (such as when a person is incapacitated by the use of drugs or alcohol, when a person is asleep or unconscious, or when a person has an intellectual or other disability that prevents the person from having capacity to give consent).

Past consent does not imply future consent.

Being in an intimate relationship does not in and of itself, imply consent.

Silence or an absence of resistance does not imply consent.

Consent to engage in one activity with one person does not imply consent to engage in sexual activity with another person.

Consent to engage in one sexual activity with one person does not imply consent to engage in a different type of sexual activity.

Consent can be withdrawn at any time.

Consent obtained through coercion, force or threat of either, or intimidation, is not valid.

The College will use an objective standard when determining whether a complainant was incapacitated; that is, the College will determine whether from the standpoint of a reasonable (and not incapacitated or intoxicated) person, the respondent knew or should have known that the complainant could not effectively consent because he or she was incapacitated. It is the responsibility of those who initiate and/or engage in sexual activity to be clear that informed, voluntary consent is given before proceeding with further sexual activity. It should be noted that ignorance of the policy noted above, or the intoxication of the respondent, will not (particularly given the College's objective standard) be considered an excuse for violating this policy.

2. Force

"Force" is the use or threat of physical violence to overcome an individual's freedom of will to choose whether or not to participate in sexual activity or provide consent. Consent obtained by force is not valid.

For the use of force to be demonstrated, there is no requirement that a complainant resist the sexual advance or request. However, evidence of resistance by the complainant will be viewed as a clear demonstration of a lack of consent.

3. Intimidation

"Intimidation" is the use of implied threats to overcome an individual's freedom of will to choose whether or not to participate in sexual activity or provide consent. Consent obtained by intimidation is not valid.

4. Coercion

"Coercion" is the improper use of pressure to compel another individual to initiate or continue sexual activity against that individual's will. Consent obtained through coercion is not valid.

Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to "out" someone based on sexual orientation or gender identity, and threatening to harm oneself if the other party does not engage in the sexual activity. When someone indicates, verbally or physically, that they do not want to engage in a particular sexual activity, that they want to stop a particular activity, or that they do not want to go past a certain point of sexual interaction, continued activity or pressure to continue beyond that point can be coercive. The College will evaluate the following in determining whether

coercion was used: (a) the frequency of the application of pressure, (b) the intensity of the pressure, (c) the degree of isolation of the person being pressured, and (d) the duration of the pressure. All four do not need to be present to determine if coercion was used.

5. Incapacitation

"Incapacitation" is a state where an individual cannot make an informed and rational decision to engage in sexual activity because of a lack of conscious understanding of the fact, nature, or extent of the act (e.g., to understand the who, what, when, where, why, or how of the sexual interaction) and/or is physically unable to do so. For example, an individual is incapacitated, and therefore unable to give consent, if the individual is asleep, unconscious, or otherwise unaware that sexual activity is occurring. An individual will also be considered incapacitated if the person cannot understand the nature of the activity or communicate due to a mental or physical condition.

Incapacitation may result from the use of alcohol, drugs, or other medication.

The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs impacts an individual's: (1) decision-making ability; (2) awareness of consequences; (3) ability to make informed judgments; or (4) capacity to recognize/assess the nature and the scope of the act.

It shall not be a valid excuse that the respondent believed that the complainant affirmatively consented to the sexual activity if the respondent knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances: (a) the complainant was asleep or unconscious; (b) the complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity; (c) the complainant was unable to communicate due to a mental or physical condition.

Whether the respondent reasonably should have known that the complainant was incapacitated will be evaluated using an objective reasonable person standard. The fact that the respondent was actually unaware of the Complainant complainant's incapacity is irrelevant to this analysis, particularly where the respondent's failure to appreciate the Complainant complainant's incapacitation resulted from the respondent's failure to take reasonable steps to determine the Complainant complainant's incapacitation or where the respondent's own incapacitation (from alcohol or drugs) caused the respondent to misjudge the Complainant complainant's incapacity.

It is the responsibility of each party to be aware of the intoxication level of the other party before engaging in sexual activity. In general, sexual activity while under the influence of alcohol or other drugs poses a risk to all parties. If there is any doubt as to

the level or extent of the other individual's intoxication, it is safest to forgo or cease any sexual contact or activity.

Being intoxicated by drugs or alcohol is no defense to any violation of this Policy and does not diminish one's responsibility to obtain consent.

Retaliation

Retaliation includes adverse action taken by any person over whom the College has some measure of control (e.g., faculty, staff, students, and covered third parties) against a person because they have made a good faith report of Prohibited Conduct and/or because they have participated in any proceeding under this Policy. Adverse action includes conduct that threatens, intimidates, harasses, coerces or in any other way seeks to discourage a reasonable person from engaging in activity protected under this Policy. Retaliation can be committed by or against any individual or group of individuals, not just a respondent or complainant. Retaliation does not include good faith actions lawfully pursued in response to a report of Prohibited Conduct.

The College will take immediate and responsive action to address any report of covered retaliation and will pursue disciplinary action as appropriate. An individual whose good faith activities as described above result in their being protected from retaliation under this policy is entitled to such protection even if the reported conduct is ultimately not found to be a violation of this Policy.

Days

Unless otherwise expressly stated, all references in this procedure to "days" are to business days, excluding holidays when the College is closed. Any deadline that falls on a weekend or other day when the College is closed, shall be extended to the next business day.

Confidentiality and Privacy

Privacy and Confidentiality: Understanding the Differences

The College is committed to protecting the privacy of all individuals involved in the investigation and resolution of reports under this Policy. The College also is committed to assisting students, employees, and third Parties in making informed choices. With respect to any report under this Policy, the College will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. Privacy and confidentiality have distinct meanings under this Policy.

1. Privacy

"Privacy" generally means that information related to a report of Prohibited Conduct will only be shared with a limited circle of individuals who "need to know" in order to assist in the assessment, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

2. Confidentiality

"Confidentiality" generally means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual.

The confidentiality of information shared by an individual with designated campus or community professionals generally is governed by Vermont law, including Vermont evidence rules and restrictions on the disclosure of privileged information by mental health providers, health care providers ordained clergy, rape crisis counselors, and attorneys, all of whom have legally protected confidentiality. These individuals are generally prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others.

An individual who seeks confidential assistance may do so by speaking with professionals who have legally protected confidentiality. The confidential resources available to individuals on campus are listed in Section VII. Note, however, that these confidential resources may be required by state law to notify appropriate Vermont State authorities of any report which involves suspected abuse of a minor under the age of 18.

Responsible Employees and Requests for Confidentiality

A "Responsible Employee" includes any employee who: (1) has the authority to take action to redress the harassment; (2) has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees; or (3) a student could reasonably believe has the authority or responsibility to take action. All College employees who do not have legally protected confidentiality are considered Responsible Employees. This includes all employees with supervisory or leadership responsibilities on campus, including, but not limited to, faculty, administrators, staff members and Resident Assistants. The College requires that all Responsible Employees share a report of misconduct with the Title IX Coordinator or a Deputy Title IX Coordinator. The purpose of this requirement is to permit the College to take immediate and corrective action to respond to allegations of Prohibited Conduct.

A student may desire to report Prohibited Conduct to the College but to maintain confidentiality; if so, the Title IX Coordinator will evaluate such requests. Where a complainant requests that the complainant's name or other identifiable information not be shared with the respondent or that no formal action be taken, the Title IX Coordinator, in conjunction with members of the Title IX Case Management Team if

deemed appropriate, will balance the complainant's request with its obligation to provide a safe and non-discriminatory environment for all College community members. In making this determination, the College may consider, among other things, the seriousness of the conduct, the respective ages and roles of the complainant and respondent, whether there have been other complaints or reports of harassment or misconduct against the respondent, and the rights of the respondent to receive notice and relevant information before disciplinary action is sought.

The College will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation, but its ability to do so may be limited based on the nature of the request by the complainant. Where the College is unable to take action consistent with the request of the complainant, the Title IX Coordinator or a member of the Title IX team will inform the complainant about the chosen course of action, which may include the College seeking disciplinary action against a respondent. Alternatively, the course of action may also include steps to limit the effects of the alleged harassment and prevent its recurrence that do not involve formal disciplinary action against a respondent or revealing the identity of the complainant.

Disclosures Required By the Clery Act

1. Timely Warnings

A "Timely Warning" is a campus-wide notification of a serious or continuing threat to the Champlain community. A Timely Warning does not include identifying information about a complainant. If a report of misconduct discloses a serious or continuing threat to the Champlain community, the College may issue a campus wide timely warning (which can take the form of an email to campus) to protect the health or safety of the community.

2. Annual Reporting Responsibilities

All higher education institutions that receive federal funding, including the College, are obligated to issue publicly an Annual Security Report ("ASR") which identifies the number of particular reported crimes on campus or campus property, or adjacent to campus. The ASR does not include identifying information about the complainant or respondent.

3. Crime Log

All higher education institutions that have campus police forces or security departments must maintain a daily crime log that includes entries for all crimes that occur within both the Clery geography and the campus public safety staff's regular patrol route. The crime log does not include identifying information about the complainant or respondent.

Champlain's Title IX Coordinator and Deputy Coordinators

Notice of Designated Title IX Coordinator and Deputy Coordinators

The College has designated Courtney Cioffredi, Associate Director of the Office of Accessibility, to serve as the College's Title IX Coordinator. The College has designated Christine Hutchins and Melissa Carlson, as Deputy Title IX Coordinators. The Title IX Coordinator and Deputy Coordinators can be contacted by email or in person during regular office hours:

Courtney Cioffredi
Associate Director, Office of Accessibility
Title IX Coordinator
ccioffredi@champlain.edu
802-865-5764

Christine Hutchins
Employment Advisor
Deputy Title IX Coordinator, People Center
hutchins@champlain.edu
802-860-2721

Melissa Carlson
Deputy Title IX Coordinator, Associate Director, Office of Residential Life and
Community Standards
mcarlson@champlain.edu
802-865-8987

Role of the Title IX Coordinator and Deputy Coordinators

The Title IX Coordinator monitors the College's overall compliance with Title IX, ensures appropriate training and education, and oversees the College's investigation, response, and resolution of reports made under this Policy. Upon receiving reports of Prohibited Conduct, the Title IX Coordinator ensures that appropriate action is taken to eliminate that conduct, prevent its recurrence, and remedy its effects. The Title IX Coordinator is available to advise all individuals - including individuals who have experienced misconduct, individuals who are alleged to be responsible for misconduct, and third parties - on this Policy and the related Investigation Processes.

The Title IX Coordinator is supported and assisted by the Vice President of Student Affairs and Institutional Diversity and Inclusion and Deputy Coordinators. In addition, based on the relationship of the complainant and/or the respondent to the College, the Title IX Coordinator may be supported by the Vice President of Student Affairs and Institutional Diversity and Inclusion, Provost for Academic Affairs, Director for Campus Public Safety, and a representative from the People Center. Collectively, the Title IX

Coordinator and the individuals supporting the Title IX Coordinator are the "Title IX Case Management Team." The Title IX Case Management Team is made up of Deputy Coordinators who have a "need to know" of any alleged Prohibited Conduct to effectuate this Policy. The foregoing individuals receive ongoing appropriate training to discharge their responsibilities.

Reporting

The College strongly encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual or other violence. This is the best option to ensure preservation of evidence and to begin a timely investigative and helpful response.

The College also strongly encourages all individuals to make a report to the College and to local law enforcement, although neither is required. These reporting options are not mutually exclusive. Both internal and criminal reports may be made simultaneously.

The College has a strong interest in investigating and responding as appropriate to sexual harassment, sexual assault, stalking, and intimate partner violence and strongly encourages all individuals or third party witnesses to report any incident to the College.

Making a report means telling a Responsible Employee what happened-in person, by telephone, in writing, or by email. At the time a report is made, a complainant does not have to request any particular course of action, nor does a complainant need to know how to label what happened. Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. The College provides support that can assist each individual in making these important decisions, and will respect an individual's autonomy in deciding how to proceed to the extent legally possible. In this process, the College will balance the individual's interest with its obligation to provide a safe and non-discriminatory environment for all members of the College community.

In response to all reports of Prohibited Conduct, the College will make an immediate assessment of any risk of harm to the complainant, respondent, or to the broader campus community and will take steps necessary to address those risks. These steps may include interim measures to provide for the safety of the individual and the campus community.

Emergency and External Reporting Options

Complainants have the right to notify or decline to notify law enforcement. The College strongly encourages all individuals to seek assistance from law enforcement immediately after an incident of Sexual Misconduct, Intimate Partner Violence, or any other Prohibited Conduct. This is the best option to ensure preservation of evidence and to begin a timely investigative and helpful response. Police have unique legal authority,

including the power to seek and execute search warrants, collect forensic evidence, make arrests, and assist in seeking emergency protective orders. The College will help any Champlain community member to get to a safe place and will provide transportation to the hospital, coordination with law enforcement, and information about on- and off-campus resources and options for resolution.

Burlington Police Department
1 North Avenue, Burlington
802-658-2704

Chittenden Unit for Special Investigations (CUSI)
50 Cherry Street, Burlington
802-652-6800

UVM Medical Center
111 Colchester Avenue
Burlington, VT
802-847-0000

HOPE Works
(Ending Sexual Violence)
Burlington, VT
24 HOUR HOTLINE 802.863.1236 or 1.800.489.7273

Champlain students enrolled in Montreal or Dublin programs should consult Program Directors regarding reporting options.

Campus Reporting Options

The College strongly encourages all individuals to report misconduct to any College employee. The College recommends that individuals report Prohibited Conduct to any of the following offices or individuals:

1. Title IX Case Management Team handles complaints of Prohibited Conduct against any individual, and works with other offices on campus to provide reasonable accommodations for housing, academic flexibility, and No Contact letters. Team members include:

Christine Hutchins
Deputy Title IX Coordinator, Employment Advisor, People Center
hutchins@champlain.edu
802-860-2721

Melissa Carlson
Deputy Title IX Coordinator, Associate Director, Office of Residential Life and
Community Standards
mcarlson@champlain.edu
802-865-8987

2. Campus Public Safety 802-865-6465

Campus Public Safety is available as a first option to report any incident of crime or violence, as well as any incidents involving Prohibited Conduct. Campus Public Safety has the ability to provide a courtesy escort service on campus to any student and can reach the Residential Life staff person on call or counselor on call at any time

3. People Center

Addresses complaints of Prohibited Conduct against all employees (faculty, administration, and staff), third party vendors.

Reporting To External Agencies

In addition to reporting to law enforcement or the College, students, faculty, and staff should be aware of the following external governmental agencies that investigate and prosecute complaints of prohibited discrimination and harassment:

Employees may contact:

Vermont Attorney General's Office, Civil Rights Unit,
109 State Street, Montpelier, VT 05609-1001
(802-828-3171/VOICE/TDD)

Equal Employment Opportunity Commission
John F. Kennedy Federal Office Building
475 Government Center,
Boston, MA 02203
(1-800-669-4000/VOICE or 1-800-669-6820/TDD)
www.eeoc.gov

Students may contact:

United States Department of Education, Office for Civil Rights
J.W. McCormack, Post Office Court House Building, Room 701
Boston, MA 02109-4557
617-289-0111OCR.Boston@ed.gov

Vermont Human Rights Commission
135 State Street, 2nd Floor, Drawer 33
Montpelier, VT 05633-6301
(802-828-2480/VOICE/TDD or 800-416-2010/VOICE)

Other Reporting Considerations

1. Timeliness and Location of Incident

Complainants and third-party witnesses are encouraged to report Prohibited Conduct as soon as possible in order to maximize the College's ability to respond promptly and effectively. The College does not, however, limit the time frame for reporting. If the respondent is not a member of the Champlain community, the College will still seek to meet its Title IX responsibilities by taking steps to end the harassment, prevent its recurrence, and address its effects, but its ability to take disciplinary action against the respondent will, of course, be limited.

An incident does not have to occur on campus to be reported to the College. Off-campus conduct that is likely to have a substantial effect on the complainant's on-campus life and activities or poses a threat or danger to members of the Champlain community may also be addressed under this Policy.

2. Amnesty for Alcohol or Other Drug Use or Other Conduct Violations

The College strongly encourages the reporting of Prohibited Conduct under this Policy. It is in the best interest of this community that as many individuals as possible choose to report to college officials and that participants in the Investigation process are forthright in sharing information. To guard against discouraging reporting or participation, a student who reports Prohibited Conduct or participates in the Investigation process, either as a complainant, respondent, or a third-party witness, will not be subject to disciplinary action by the College for personal consumption of alcohol or drugs or other violations of the conduct policy (not including this Policy) at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk and do not involve plagiarism, cheating, or academic dishonesty. The College may, however, initiate an educational discussion or pursue other educational remedies with the student regarding alcohol or other drugs. Being intoxicated by drugs or alcohol is no defense to any violation of this Policy and does not diminish one's responsibility to obtain consent.

Good Samaritan Statement:

Good Samaritan Statement: In the interest of protecting Champlain College students from serious injury due to impairment caused by alcohol or drugs, students should be aware that in ALL cases where safety is at risk, the proper agencies must be contacted for assistance. These agencies include Champlain College Campus Public Safety (802-

865-6465), local police or emergency services (911) or a member of the Residential Life staff (student RA or other Residential Life professional).

In cases where the proper calls are made for assistance, both the impaired student and the student assisting may not be subject to formal disciplinary action for being impaired or for providing alcohol or drugs. Students involved in these incidents will participate in a meeting with the Office of Community Standards and may be referred for assessment/counseling. Families may be notified, but there will not be punitive sanctions. This resolution is available for isolated incidents and does not excuse or protect those who repeatedly violate the Champlain College Alcohol and Drug Policy. It is our belief that we all have a responsibility to help those in need by seeking the proper medical assistance when necessary.

3. Coordination with Law Enforcement

The College strongly encourages complainants to pursue criminal action for incidents of Prohibited Conduct that may also be crimes under Vermont law. The College will assist a complainant in making a criminal report and cooperate with law enforcement agencies if a complainant decides to pursue the criminal process to the extent permitted by law.

The College's Policy, definitions, and burden of proof differ from Vermont criminal law. A complainant may seek recourse under this Policy and/or pursue criminal action. Neither law enforcement's determination whether or not to prosecute a respondent, nor the outcome of any criminal prosecution, are determinative of whether a violation of this Policy has occurred. Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

The College will not delay conducting its own investigation unless that is specifically requested by law enforcement (e.g., Burlington Police Department, Chittenden Unit for Special Investigations). In the event of such specific request, the College shall defer its investigation only during the time that the law enforcement agency is gathering evidence. The College will nevertheless communicate with the complainant and respondent (if appropriate) regarding Title IX rights, procedural options, and the implementation of interim measures to provide safety and well-being. The College will promptly initiate or resume its investigation as soon as it is informed that law enforcement has completed its initial investigation.

4. False Reports

The College takes the accuracy of information very seriously, as a report of Prohibited Conduct may have severe consequences. **A good faith complaint that results in a finding of not responsible is not considered a false or fabricated report of Prohibited Conduct.** However, when a complainant or third party witness is found to have fabricated allegations or given false information with malicious intent or in bad faith, the complainant or individual may be subject to disciplinary action. It is a violation

of the Code of Student Conduct to make an intentionally false report of any Policy violation, and it may also violate state criminal statutes and civil defamation laws.

5. Take Back the Night and Other Public Awareness Events

Consistent with guidance from the Office for Civil Rights of the Department of Education, public awareness events such as "Take Back the Night," the Clothesline Project, candlelight vigils, protests, or other forums in which community members disclose incidents of Prohibited Conduct do not initiate the College's Title IX obligations, including its obligation to investigate reports of sexual harassment or sexual assault. Such events may, however, inform the need for campus-wide educational and prevention efforts, and the College may implement broad community initiatives in response to such events where appropriate.

6. Reports Involving Minors or Suspected Child Abuse

Under Vermont law, certain covered individuals must make a mandatory report of suspected child abuse and neglect, including sexual assault, when such individuals, in their professional capacity or within the scope of their employment, have knowledge of, or observe a minor under the age of 18 whom the individuals know or reasonably suspect has been subject to child abuse or neglect.

All College employees are required to immediately report any suspected child abuse and neglect to the Title IX Coordinator and/or the Director of Campus Public Safety. The source of abuse does not need to be known in order to file a report.

The College will report suspected child abuse and neglect as required by Vermont law. The College must act quickly regarding all reasonable suspicions of sexual or physical abuse. It is not the responsibility of any employee, student, or volunteer to investigate suspected child abuse. This is the role of appropriate authorities.

In addition to notifying the Title IX Coordinator and Director of Campus Public Safety, any individual may make a direct report as follows:

- If a child is in immediate danger, call 911.
- If there is no immediate danger, contact the Child Protection Hotline 24 hours a day, 7 days a week, at (800) 540-4000.

Interim Measures and Remedies

1. Overview

Upon receipt of a report, the College will provide reasonable and appropriate interim measures designed to eliminate the alleged hostile environment and protect the Parties involved. The College will make reasonable efforts to communicate with the Parties to ensure that all safety, emotional and physical well-being concerns are being addressed.

Interim measures may be imposed regardless of whether formal disciplinary action is sought by the complainant or the College, and regardless of whether a crime is reported to Campus Public Safety or local law enforcement.

A complainant or respondent may request a No Contact Order or other protection, or the College may choose to impose interim measures at its discretion to ensure the safety of all Parties, the broader College community, and/or the integrity of the process.

The College will maintain the privacy of any remedial and protective measures provided under this Policy to the extent practicable and will promptly address any violation of the protective measures. All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. The College will take immediate and responsive action to enforce a previously implemented restriction if such restriction was violated.

2. Range of Measures

Interim measures will be implemented at the discretion of the College, when requested and reasonably available. Potential remedies which may be applied include:

- Access to counseling services and assistance in setting up initial appointment, both on and off campus;
- Implementation of campus "No Contact Orders these can be administered to meet the individual needs of students involved;
- Rescheduling of exams and assignments (in conjunction with appropriate faculty and deans as necessary);
- Providing alternative course completion options (with the agreement of the appropriate faculty);
- Change in class schedule, including the ability to take an "incomplete," drop a course without penalty or transfer sections (with the agreement of the appropriate faculty);
- Change in work schedule or job assignment;
- Change in on-campus housing;
- Arranging to dissolve a housing contract and pro-rating a refund in accordance with campus housing policies;
- Assistance from College support staff in completing housing relocation;
- Limiting an individual or organization's access to certain College facilities or activities pending resolution of the matter;
- Voluntary leave of absence;
- Providing an escort to ensure safe movement between classes and activities;
- Providing medical services;
- Providing academic support services, such as tutoring;
- Interim suspension or College-imposed leave;
- Any other remedy that can be tailored to the involved individuals to reasonably achieve the goals of this Policy.

3. Interim Suspension or Administrative Leave

Where the reported conduct of a student or employee may pose a substantial and immediate threat of harm to the safety or well-being of an individual, members of the campus community, or may impair substantially the performance of normal College functions, the College may place a student or student organization on interim suspension or impose administrative leave for an employee. Pending resolution of the report, the individual or organization may be denied access to campus, campus facilities, and/or all other College activities or privileges for which the individual or organization might otherwise be eligible, as the College determines appropriate. When interim suspension or administrative leave is imposed, the College will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

Provisions for suspension of employees will be made in consultation with the People Center in accordance with Champlain College employment policies and practices.

Care and Support Resources

The College is committed to treating all members of the community with dignity, care, and respect. Any student who experiences or is affected by conduct prohibited under this Policy, whether as a complainant, a respondent, or a Third Party, will have equal access to support and counseling services through the College.

The College strongly encourages individuals to report Prohibited Conduct. The College recognizes, however, that the decision to report Prohibited Conduct (to the College and/or law enforcement) can be difficult. The College strongly encourages individuals who are considering whether to report Prohibited Conduct to seek the support of confidential campus and community resources, listed below. These trained professionals can provide guidance in making decisions, information about available resources and procedural options, and assistance to either party in the event that a report and/or resolution under this Policy is pursued. These resources are available regardless of when or where the incident occurred.

There are many resources available on campus and in the surrounding community. As detailed below, there are Confidential Resources which by law cannot share information without the consent of the individual seeking assistance (in most circumstances). There are also a variety of College resources that will be discreet and private but are not considered confidential. These resources will maintain the privacy of an individual's information within the limited circle of those involved in the resolution of a complaint under this Policy.

Confidential Resources

The College strongly encourages all community members to make a report of any incident of Prohibited Conduct to the College and local law enforcement. For individuals who are not prepared to make a report, or who may be unsure how to proceed, but are still seeking information and support, there are several legally protected confidential resources available as designated below. These confidential resources will not share information with the College or anyone else without the individual's permission.

1. On-Campus Confidential Resources:

All counselors and Health Services staff members at Champlain College are confidential resources.

Counseling & Health Services
Skip Harris
sharris@champlain.edu

Student Health

Annika Hawkins-Hilke
ahawkinshilke@champlain.edu

2. Off-Campus Resources:

Burlington Police 1 North Avenue, Burlington, VT 802-658-2704 Ext 8	UVM Medical Center 111 Colchester Avenue Burlington, VT 802-847-0000	Steps To End Domestic Violence 294 N Winooski Ave Burlington, VT (802) 658-1996 - HOTLINE
HOPE Works (Ending Sexual Violence) Burlington, VT 24 HOUR HOTLINE 802.863.1236 or 1.800.489.7	Pride Center 255 S Champlain St Suite 12, Burlington, VT (802) 860-7812	Chittenden District Courthouse 32 Cherry Street Burlington, VT

273		802- 651-1950
Howard Center 208 Flynn Ave Burlington, VT 802-488-7777	Pearl Street Youth Health Center 179 Pearl Street Burlington, VT 802-652-1080	Vermont Legal Aid 264 N Winooski Ave, Burlington, VT 05401 (800) 889-2047
National Domestic Violence Hotline 800-787-3224 1800-799-7233 www.thehotline.org	Rape, Abuse and Incest National <u>Network</u> (RAINN) 800-656.HOPE (4673) www.rainn.org	

In addition to the confidential resources listed above, Champlain community members have access to a variety of resources provided by the College. All of the on-campus reporting options listed in Section VI above have staff members trained to support individuals affected by Prohibited Conduct and to coordinate with the Title IX Coordinator consistent with the College's commitment to a safe and healthy educational environment. While not bound by confidentiality, those resources will maintain the privacy of an individual's information within the limited circle of those involved in the Title IX resolution process.

Students, faculty and staff may also access resources located in the local community in addition to those confidential resources above. These organizations can provide crisis intervention services, counseling, medical attention and assistance in dealing with the criminal justice system. It may be helpful for survivors to have someone who can help them explore their off-campus options and guide them through legal processes; an advocate can provide assistance in this area. A local resource, HOPE Works, offers advocacy support. Faculty and staff can also support through access Employee Assistance Program (EAP) 800-828-6025 (24 hours).

Confidential Medical Resources

A medical provider can provide emergency and/or follow-up medical services. The medical exam has two goals: first, to diagnose and treat the full extent of any injury or physical effect (including prevention of sexually transmitted illnesses and pregnancy) and second, to properly collect and preserve evidence. There is a limited window of time following an incident of sexual assault to preserve physical and other forms of evidence, although it may be possible to obtain evidence from towels, sheets, clothes, and other items for longer periods of time. It is best to gather evidence prior to washing a person's body or changing clothing. If clothes have been changed, the clothes worn at the time of the incident should be brought to the examination in a clean, sanitary container such as a paper grocery bag or wrapped in a clean sheet (plastic containers do not breathe and may render evidence useless). A change of clothing should also be brought to the hospital, as the clothes worn at the time of the incident will likely be kept as evidence. The Sexual Assault Nurse Examiner (SANE) is available at a hospital's Emergency Room. If you are seeking follow up medical services, you may request a SANE nurse.

Taking the steps to gather evidence immediately does not commit an individual to any particular course of action. The decision to seek timely medical attention and gather any evidence, however, will preserve the full range of options to seek resolution under this Policy or through the pursuit of criminal prosecution, and may be helpful in obtaining protective orders.

On campus, Health Services can provide medical care; however, Health Services is not equipped for forensic examinations.

Taxi vouchers are available at Campus Public Safety, Health Services, Counseling Services and Residential Life to provide free transportation to local medical centers.

Prevention and Awareness Programs

The College is committed to the prevention of Prohibited Conduct through regular and ongoing education and awareness programs. Incoming students and new employees receive primary prevention and awareness programming as part of their orientation, and returning students and current employees receive ongoing training and related education. For a description of the College's prevention and awareness programs, including programs on minimizing the risk of incidents of Prohibited Conduct and bystander intervention, see Safety and Respect For All and See Say Do and Women's & Gender Center websites.

Training

The College provides training to students and employees to ensure they understand this Policy and the topics and issues related to maintaining an educational and employment environment free from all forms of Prohibited Conduct.

Investigation & Resolution Process Involving Students

This section outlines the procedures the College follows in resolving allegations that a person has been subjected to Prohibited Conduct ("complainant") by a student or other college community member who engaged in Prohibited Conduct ("respondent") in violation of the College's Sexual Misconduct Policy. Complainant and respondent will be referred to collectively as the "Parties."

A. Complaint

An individual who wishes to report a complaint of Prohibited Conduct by a student (including, but not limited to discrimination, harassment, or retaliation) is encouraged to report directly to the Title IX Coordinator or a Deputy Title IX Coordinator. A student may also report a complaint of Prohibited Conduct to the Director of Campus Public Safety or the Vice President of People and Technology or the Office of Community Standards.

The Title IX Case Management Team will coordinate resolution of all reports and complaints of Prohibited Conduct defined in the Sexual Misconduct, Intimate Partner Violence and Stalking Policy. A Deputy Title IX Coordinator (or designee) will conduct an initial intake assessment in all instances where the Complainant reports Prohibited Conduct, as described below.

As described below, both Parties will have the opportunity to object to the designated Deputy Title IX Coordinator on the grounds of bias or conflict of interest. If either of the Parties objects, the Investigation Process will be suspended, and the Title IX Coordinator, a Deputy Title IX Coordinator, or other appropriate College administrator who is not the subject of the objection, will evaluate whether or not to accept the objection. The Parties will be notified in writing of that determination. If the Deputy Title IX Coordinator is found to have a bias or conflict of interest as to either Party, the Deputy Title IX Coordinator will be removed and replaced by another Deputy Title IX Coordinator. The parties will be provided with an opportunity to object to the replacement Deputy Title IX Coordinators as well. The College may decide to appoint other designees from within or outside of the College community to serve in the role of a Deputy Title IX Coordinator if that is deemed advisable or necessary in a particular case. The Investigation Process will resume upon the final appointment of a Deputy Title IX Coordinator or designee.

In cases where the named respondent is not another Champlain student, but is a faculty member, or employee or an affiliate of the College, the Title IX Case Management Team will consult with the appropriate departments.

B. Initial Assessment & Intake Meeting

Upon receipt of a report, the Title IX Coordinator or a Deputy Title IX Coordinator (or designee) will conduct an Intake Meeting with a complainant as soon as possible after receiving a complaint. At that meeting, the following topics will be addressed, as appropriate:

- Address immediate physical safety and emotional well-being needs;
- Notify the complainant of the right to contact law enforcement and seek medical treatment (and the right to decline to do so), and the importance of preservation of evidence;
- Notify the complainant of the right to be assisted by individuals at the College in contacting law enforcement;
- Notify the complainant of confidential and non-confidential reporting options on and off campus;
- Provide the complainant with information about:
 - On and off campus resources that may be available to the extent applicable, including counseling, health, mental health, victim advocacy, legal assistance (including visa and immigration assistance), student financial aid, and other available services;
 - The range of interim measures and remedies that may be available to the extent applicable, including changes to academic, living, transportation, and/or working situations, or other protective measures, which are available to the complainant regardless of whether the complainant files a formal complaint with the College, Campus Public Safety or local law enforcement;
- Provide an overview of the procedural options and process;
- Explain the right to object to the assignment of a designated Deputy Title IX Coordinator or investigator(s) based on bias or conflict of interest to proceed through the Investigation Process;
- Explain that the complainant has a right to an advisor of their choice during the process and the role of the advisor;
- Assess for pattern evidence or other similar conduct if possible;
- Explain the Good Samaritan Statement;
- Explain the College's policy prohibiting retaliation;
- Explain that if the complaint involves a Clery crime, the Deputy Title IX Coordinator will notify Campus Public Safety of the report to assess the need to (1) enter the report into the College's daily crime log; and (2) issue a timely warning as defined by the Clery Act, and assure the complainant that any such reports will not include the complainant's personally identifying information.

Following or at the meeting, the Deputy Title IX Coordinator will provide the complainant with the above-listed information in writing.

As described in the Sexual Misconduct, Intimate Partner Violence and Stalking Policy, the complainant has the right to request that the Deputy Title IX Coordinator not share

the complainant's name (or other identifiable information) with the respondent, or that the Deputy Title IX Coordinator take no formal action in response to the report. If the complainant makes such a request, the Deputy Title IX Coordinator, in consultation with the Title IX Coordinator, will balance the request with its obligation to provide a safe and nondiscriminatory environment for all College community members.

The Deputy Title IX Coordinator, in consultation with the Title IX Coordinator, will consider factors that may include but are not limited to whether there are circumstances suggesting there is a risk of the alleged respondent committing additional acts of Prohibited Conduct involving the complainant or others in the campus community, whether the College has received similar complaints regarding the alleged respondent, whether the alleged respondent has a history of arrests or records from a prior school indicating a history of violence, whether the alleged respondent threatened or appears to pose a risk of further Prohibited Conduct against the complainant or others, whether Prohibited Conduct was allegedly committed by multiple Respondents, whether a pattern of perpetration (e.g. more than one report involving a particular location or group) appears to be present, whether violence was perpetrated with or without a weapon, and whether the College possesses other means to obtain relevant evidence.

If the Deputy Title IX Coordinator determines that, in response to the complainant's request, the College can satisfy its obligations to the complainant, the College community, and the respondent without proceeding through the Investigation Process described herein, the Deputy Title IX Coordinator, in consultation with the Title IX Coordinator, has the discretion to do so.

Absent a request for confidentiality as described above, the Deputy Title IX Coordinator will ask the complainant general questions to get a basic understanding of the reported Prohibited Conduct. The interview will include questions to understand the key facts upon which the complainant bases the report to appropriately assess how to proceed.

C. Threshold Determination: Does The Complainant's Report Allege a Potential Violation of the College's Sexual Misconduct Policy?

After the conclusion of the Intake Meeting, and if the individual wishes to move forward with a complaint, the Deputy Title IX Coordinator, in consultation with the Title IX Coordinator, will make the threshold determination of whether the reported conduct, if it were established through the procedures outlined below as having occurred, would constitute Prohibited Conduct as defined in the Sexual Misconduct, Intimate Partner Violence and Stalking Policy.

This threshold determination is not intended to screen complaints from the Investigation Process. Rather, its purpose is to determine whether the conduct as stated could constitute a violation of the College's Sexual Misconduct, Intimate Partner Violence and Stalking Policy. For example, if a complainant alleges that a respondent engaged in sexual harassment as defined by the Policy, but did not allege facts demonstrating that

the conduct was sexual in nature, or on the basis of sex, the College likely would determine that the complainant's report does not allege a potential violation of the Policy.

After consultation with the Title IX Coordinator, the Deputy Title IX Coordinator will communicate the threshold determination finding in writing to the complainant. If it is determined that the reported conduct could not constitute a violation of the Policy even if established by a preponderance of the evidence through the process described below, the Deputy Title IX Coordinator will advise the complainant of any other reporting options that appear to be pertinent given the nature of the reported conduct. The complainant may re-file the report with the College upon discovery of additional facts.

If it is determined that the reported conduct, if established by a preponderance of the evidence through the process outlined below, would constitute a violation of the Policy, the matter will proceed to Formal Resolution.

D. Resolution of Complaint

1. Informal Resolution of a Complaint

The People Center or Student Affairs may offer a person with a complaint of alleged discrimination or harassment that does not involve sexual assault the use of an informal process for resolving their complaint instead of proceeding with the formal process. The informal process is designed to encourage an open atmosphere in which human relationships may be improved; it encourages people to resolve concerns and disputes without fear of reprisal; it enables the parties to settle disputes at the lowest possible level, quickly, fairly, and impartially. The College may however decide that the informal process is not in the best interests of the parties and/or the College in cases that involve intimate partner violence and/or stalking, and in such cases, will proceed instead with the formal process. If an informal process is permitted by the College, any party or the College may decide to discontinue it and proceed to the formal process, at any time before the successful conclusion of the informal process.

No official findings of facts are made about the existence of reported misconduct if the informal process concludes successfully. Rather, emphasis is placed on identifying the source of the problem(s) between the parties and exploring ways the complaint can be resolved. The People Center/Student Affairs will maintain a confidential record of the outcome of all informal resolution efforts.

2. Formal Resolution of a Complaint

a. Notice to Parties

If the Deputy Title IX Coordinator in consultation with the Title IX Coordinator determines that the complainant's report should proceed through the investigation and resolution process, the Deputy Title IX Coordinator will notify both Parties, in writing, of

that decision. The Deputy Title IX Coordinator's written notification to the respondent will state facts sufficient to apprise the respondent of the nature of the allegations, including, specifically:

- Complainant's name
- Nature of the report
 - Policy violation(s) alleged (e.g., sexual assault, sexual harassment, retaliation)
 - Date(s) of alleged policy violation(s), if known
 - Approximate time(s) of alleged policy violation(s), if known
 - Location(s) of alleged policy violation(s), if known
 - Brief description of allegation(s)

If the respondent has not yet been provided an opportunity to object to the designated Deputy Title IX Coordinator based on bias or conflict of interest, the Deputy Title IX Coordinator will also notify the respondent of their right to do so by contacting the Title IX Coordinator. As noted above, the complainant will have been provided the same opportunity after the Intake Meeting. A Deputy Title IX Coordinator or designee who does not have bias or conflict of interest will be selected, under the process outlined above. The respondent will be sent a notice of investigation, a description of the policy violations being investigated, and an invitation to meet with the Deputy IX Title Coordinator to review the process, resources and the role of the advisor. If the respondent does not respond to the meeting request or is unable to meet within three (3) days, the Deputy Title IX Coordinator shall provide the following information in writing:

- On and off campus resources that may be available to the extent applicable, including counseling, health, mental health, victim advocacy, legal assistance (including visa and immigration assistance), student financial aid, and other available services;
- The range of interim measures and remedies that may be available to the extent applicable, including changes to academic, living, transportation, and/or working situations, or other protective measures
- An overview of the procedural options and process;
- Explain that the respondent has a right to an advisor of their choice during the process and the role of the advisor in the process;
- The College's Good Samaritan Statement;;
- The College's policy prohibiting retaliation.

b. Name Investigators

The Deputy Title IX Coordinator will, in consultation with the Title IX Coordinator, select a trained internal or external Investigator(s) or a two-person investigative team, (which may include a combination of internal and/or external Investigator(s)) (the "Investigator(s)") to conduct a reasonable, impartial, and prompt investigation of the complaint ("Investigation"). The Deputy Title IX Coordinator will notify the Parties, in

writing, of the name of the designated Investigator(s). Both Parties will have two (2) business days to object to the Investigator(s)'s selection on the basis of bias or conflict of interest. If either of the Parties objects, the Deputy Title IX Coordinator in consultation with the Title IX Coordinator will evaluate whether or not to accept the objection. A similar process will be followed as to replacement Investigator(s) until an Investigator(s) without bias or conflict of interest is identified.

The Investigator(s) will commence the investigation once the time for the Parties to object has passed (or, if an objection is made, and the Deputy Title IX Coordinator decides not to accept the objection, from the time the Deputy Title IX Coordinator notifies the objecting party of the determination). The Investigator(s), in consultation with the Deputy Title IX Coordinator will establish a timeline and process for conducting the Investigation. The Investigator(s) will conduct the Investigation in three stages: (1) Preliminary Investigation; (2) Notice of Preliminary Report and Response; and (3) Final Report. The complainant and respondent will be notified in writing of any delays.

c. Preliminary Investigation

The Investigator(s) will begin with a Preliminary Investigation. The purpose of a Preliminary Investigation is two-fold: first, to identify and gather all relevant facts; and second, to provide the Parties with an opportunity to respond to the allegations and evidence presented before the Investigator(s) makes findings. Generally, the Investigator(s) will conduct the Preliminary Investigation in the following order:

- **Step One: Initial Fact-Gathering.** The investigator(s) will interview Parties and relevant witnesses, and gather documentary evidence provided by the Parties and any identified witnesses. Complainant and respondent will be able to provide the Investigator(s) with the names of potential witnesses.
- **Step Two: Rebuttal Fact-Gathering.** The Investigator(s) may conduct follow-up interviews with both Parties and witnesses based upon testimonial and documentary evidence gathered in Step One. The Parties and witnesses can expect that, in these follow-up interviews, the Investigator(s) will seek responses to specific allegations or evidence (e.g., an Investigator(s) may show one of the Parties a series of text messages between himself or herself and another witness, and ask about the content of the text messages). To the extent additional material, witnesses or evidence are identified during Step Two, the Investigator(s) will conduct additional interviews and gather additional evidence consistent with the procedures outlined in Step One. Step Two may be repeated as necessary to ensure a complete gathering of evidence.
- **Step Three: Preliminary Report.** The Investigator(s) will prepare a Preliminary Report. The Preliminary Report is a written summary of the evidence gathered in the course of the Preliminary Investigation. The Investigator(s) will state specific factual findings in the Preliminary Report (e.g., "complainant was incapacitated" or "respondent reasonably believed that complainant was not incapacitated"). The standard for determining each factual finding is the "preponderance of the evidence," i.e., that it is more likely than not that the factual finding is true. The

Investigator(s) will not state ultimate findings as to whether the Respondent has, or has not, violated one or more of the College's policies. The Investigator(s) will attach as exhibits to the Preliminary Report all Interview Summaries and any documentary evidence gathered and relied upon in the Preliminary Investigation. When the Investigator(s) determines that the Preliminary Investigation is complete, the Investigator(s) will submit the Preliminary Report to the Deputy Title IX Coordinator. The Deputy Title IX Coordinator in consultation with the Title IX Coordinator may require the Investigator(s) to conduct additional investigation; if so, the Investigator(s) will conduct additional investigation consistent with the procedures outlined above.

d. Notice of Preliminary Report and Response

Once the Deputy Title IX Coordinator, in consultation with the Title IX Coordinator, has agreed that the Preliminary Investigation is complete, the Deputy Title IX Coordinator will provide the Preliminary Report to the Parties for review. Given the sensitive nature of the information provided, the Deputy Title IX Coordinator will provide the information for review in a secure manner (e.g., by providing hard-copy materials in an office designated by the Deputy Title IX Coordinator, or by providing digital copies of the materials through a protected, "read-only" web portal). Neither the complainant nor the respondent (or their advisors, including but not limited to family members and/or legal counsel) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. An advisor who fails to abide by this policy may be subject to discipline and/or may be excluded from further participation in the process.

The Parties may respond to the Preliminary Report; the Parties will submit any response within five (5) days of being notified of their opportunity to review the report. The Parties may respond in one or both of the following ways:

- The Parties may provide a written response to the Preliminary Report, or any portion of it, including each Interview Summary. The Investigator(s) will consider any written response provided by the Parties in preparing the Final Report.
- The Parties may submit a written request for additional investigation. Such requests may include, but are not limited to, the following: (1) request(s) for follow-up interview(s) with existing witnesses or the other Party to clarify or provide additional information, including offering questions to the Investigator(s) to pose to witnesses or the other Party; (2) request(s) for interviews with new witnesses; or (3) request(s) to consider new evidence. Any request for additional investigation shall explain the reason for the request.

If neither of the Parties requests additional investigation, the Investigator(s) will prepare the Final Report. If either (or both) Parties request additional investigation, the Investigator(s) will review the request(s) in consultation with the Deputy Title IX Coordinator and the Title IX Coordinator. The Investigator(s) will conduct the requested additional investigation if the Investigator(s), in consultation with the Deputy Title IX

Coordinator and the Title IX Coordinator, determines that the request(s) will assist the Investigator(s) in completing the investigation. The Investigator(s) and Deputy Title IX Coordinator in consultation with the Title IX Coordinator will assess whether investigation of the additional information requires a substantial deviation from the recommended timeframe for completion of the investigation; if so, the Deputy Title IX Coordinator will notify the Parties in writing with an anticipated revised timeframe.

If the Investigator(s) conducts additional investigation, the Investigator(s) will prepare an Addendum to the Preliminary Report ("Addendum"). The Addendum will include: (1) a summary of the additional investigation; (2) a statement as to whether the additional investigation changed any finding in the Preliminary Report (and, if it did, the Investigator(s) will identify which finding(s) changed); and (3) additional exhibits, to the extent the additional investigation resulted in additional documentary evidence or Interview Summaries. The Investigator(s) will submit the Addendum to the Deputy Title IX Coordinator. The Deputy Title IX Coordinator in consultation with the Title IX Coordinator may require the Investigator(s) to conduct additional investigation before the Addendum is complete. Once the Deputy Title IX Coordinator has agreed that the Addendum is complete, the Deputy Title IX Coordinator in consultation with the Title IX Coordinator will provide the Addendum to the Parties for review.

The Parties will have an opportunity to respond to the Addendum; any response must be submitted within five (5) days of being notified of their opportunity to review the Addendum. At the time that the Parties respond to the Addendum, the Parties have already had the opportunity to respond to the Preliminary Report in full. Therefore, the College requires that the Parties limit the scope of their Addendum response to the effect (or lack thereof) of additional evidence on the facts as stated in the Addendum.

e. Final Report

As noted above, if neither of the Parties requests additional investigation, the Investigator(s) will prepare a Final Report. If one or both Parties requests additional investigation, and the request(s) is/are granted, the Investigator(s) will prepare a Final Report once both Parties have had the opportunity to respond to the Addendum, and the Investigator(s) and Deputy Title IX Coordinator, in consultation with the Title IX Coordinator, are satisfied that no further investigation is required.

The Final Report will state: (1) the ultimate finding(s) (i.e., whether the Investigator(s) finds by a preponderance of the evidence that the respondent did, or did not, violate the Policy); (2) the specific factual findings in support of the Investigator(s)'s ultimate finding(s); and (3) the specific evidence upon which the Investigator(s) relied in making each factual finding. The standard for determining the ultimate finding of responsibility, or non-responsibility, is, again, "preponderance of the evidence," i.e., that it is more likely than not that the ultimate finding is true. The Final Report will have attached as exhibits the testimonial and documentary evidence from the Preliminary Investigation, the Preliminary Report, the Addendum (if applicable), and all of the Parties' responses throughout the Formal Resolution proceeding. Once the Investigator(s) is satisfied that

the Final Report is complete, the Investigator(s) will submit the Final Report to the Title IX Coordinator. The Title IX Coordinator will review the report and determine whether the report demonstrates, by a preponderance of the evidence that: (1) the evidence supports the Investigator(s)'s factual findings; and (2) the Investigator(s)'s factual findings support the Investigator(s)'s ultimate finding of responsibility or non-responsibility depending on the finding, sanctions may or may not be issued by the College.

Once the Title IX Coordinator has agreed that the Final Report is complete, the Deputy Title IX Coordinator will provide the Final Report to the Parties for review. Given the sensitive nature of the information provided, the manner in which the Deputy Title IX Coordinator provides the information will be secure (e.g., by providing hard-copy materials for review in an office selected by the Deputy Title IX Coordinator, or by providing digital copies of the materials through a protected, "read-only" web portal). Again, neither the complainant nor the respondent (or any of their advisors, including but not limited to family members, legal counsel, or others who may serve as advisors) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. An advisor who fails to abide by this policy may be precluded from further participation in the process. The Deputy Title IX Coordinator and/or the Investigator(s) will provide the Final Report to the Parties.

If the respondent is found responsible for a violation of the Policy, the process moves to the sanction stage, described in Section E. If the respondent is found not to have violated the Policy, the investigation and resolution process concludes. At the conclusion of the investigation and resolution process, either party may appeal upon the grounds described in Section F.

E. Sanctions

If the report proceeds through investigation and resolution and the respondent is found responsible for one or more violations of the Policy (and/or other policies investigated through the investigation and resolution process), the College will issue sanctions commensurate with the violation(s).

The Title IX Coordinator and/or the Title IX Case Management team has the discretion to recommend a variety of sanctions to the Vice President of Student Affairs and Institutional Diversity and Inclusion (or Designee). The Title IX Coordinator will issue a recommendation regarding sanctions

In cases where the respondent is a student, the Title IX Coordinator will send the recommendation to the Division of Student Affairs, which will accept or modify the sanctions and issue final sanctions. Final sanctions will be communicated to the parties simultaneously in writing.

In cases where the respondent is a faculty member, the Title IX Coordinator in conjunction with the Vice President of Student Affairs and Institutional Diversity and

Inclusion will send the recommendation to the Provost and Vice President of People and Technology. In cases where the respondent is an employee or contractor, the Title IX Coordinator will send the recommendation to the Vice President, People and Technology. Those offices will provide the respondent with any procedural rights outlined in any applicable contracts, handbooks or policies, before making a decision as to whether to accept, modify or reject the recommended sanctions. Those offices will notify the Parties of the final sanctions simultaneously in writing.

Remedies or sanctions for violations of the College's policy against sexual harassment, or misconduct covered by the Policy that does not constitute sexual assault, may include but are not limited to:

- verbal or written warning;
- training;
- counseling;
- probation;
- no contact order;
- no trespass order;
- suspension of a student's enrollment (with or without case-specific conditions on re-enrollment), or suspension of an employee without pay;
- dismissal from employment;
- dismissal from the College;
- temporary or permanent transfer to a different position;
- class or academic re-assignment;
- reassignment of work or academic work; or
- alteration of living or work environment.

Remedies or sanctions for violations of the College's policy against sexual assault may include:

- probation;
- suspension of a student's enrollment (with or without case-specific conditions on re-enrollment), or suspension of an employee with or without pay;
- dismissal from employment;
- dismissal from the College;
- temporary or permanent transfer to a different employment position;
- reassignment of work or academic work; or
- alteration of living or work environment.

The responsible office may consider the cumulative disciplinary history of the respondent, if any, when making sanctioning decisions.

Remedies and Non-Disciplinary, Administrative Measures

Non-disciplinary measures such as no-contact orders may be enacted or continued even in cases in which the Policy was not found to have been violated, if the Deputy

Title IX Coordinator, in consultation with the Title IX Coordinator, determines that doing so would promote a comfortable campus environment for one or more individuals.

The Deputy Title IX Coordinator, in consultation with the Title IX Coordinator, has the discretion to take non-disciplinary administrative action against students to stop harassment, prevent its recurrence, and remedy its effects and/or to promote a comfortable campus environment. This may include action addressed toward the respondent, the campus community, and/or the complainant, as follows:

Respondent: Any student found responsible for engaging in Prohibited Conduct, who is not permanently separated from the College, will be required to, in addition to other sanctions consistent with the Sanctioning Guidelines, complete non-disciplinary, educational initiatives at the discretion of the Deputy Title IX Coordinator, in consultation with the Title IX Coordinator and the Vice President of Student Affairs and Institutional Diversity and Inclusion.

Campus Community: In all instances where a student is found responsible for engaging in Prohibited Conduct, the Title IX Coordinator will consider and determine whether non-disciplinary, administrative measures for the larger campus community are appropriate. Such remedial, community-based responses may include educational initiatives and/or trainings, climate surveys, targeted assessment of high-risk campus areas, or other appropriate measures.

Complainant: The Deputy Title IX Coordinator will continue to provide support to the complainant as appropriate, including the ongoing provision of appropriate accommodations.

F. Appeal

Appeal Procedure: Both Parties have the right to appeal decisions made through the process outlined above. All appeals must be made in writing and sent to the Office of Community Standards (communitystandards@champlain.edu) (in cases involving student respondents), the People Center (in cases involving employee and contractor respondents) or the Provost's Office and the People Center (in cases involving faculty respondents), and must specify the reasons for the appeal. An appeal of any decision must be received within five (5) business days after the respondent has been informed of the decision. Appeals are heard by an Appeals Officer.

Parties may appeal on the grounds that 1) there was a procedural error that unfairly affected the outcome of the investigation and resolution; 2) there is new information that was not reasonably available during the investigation and resolution process; and 3) the sanctions imposed are disproportionate to the nature and severity of the offense and the cumulative conduct history of the respondent.

The role of the Appeal Officer is limited. Appeals are not intended to be a full rehearing of the reported conduct. Appeals are confined to a review of the record on the grounds

stated above. The individual appealing carries the burden of proof to demonstrate that either the alleged procedural error, or the proposed new evidence, would significantly and materially impact the outcome of the proceeding, or that the sanctions imposed are disproportionate to the nature and severity of the offense and the cumulative conduct history of the respondent.

The party who submits the written appeal will be the "Appellant," and the other party will be the "Appellee." Appellee will have five (5) days to submit a response. At the conclusion of these time periods, the Title IX Coordinator will refer the written appeal, including the Final Report, exhibits attached to the Final Report, and any appropriate sanction letter (the "Appeal Record"), to an Appeal Officer.

The Title IX Coordinator will appoint the Appeal Officer and the Deputy Title Coordinator will notify both Parties of that appointment. Both Parties will have two (2) days to object to the Appeal Officer's selection on the basis of bias or conflict of interest. The Deputy Title IX Coordinator will consider any objection on the grounds of bias or conflict of interest. If the Deputy Title IX Coordinator determines that an Appeal Officer may have bias or conflict of interest, the Deputy Title IX Coordinator will remove the Appeal Officer and designate a new Appeal Officer. This process can be repeated as necessary so that an Appeal Officer without bias or conflict of interest is ultimately selected.

The Appeal Officer will determine whether any grounds for the appeal are substantiated. If the Appeal Officer determines that none of the grounds are substantiated, the Appeal Officer will share that determination with the Title IX Coordinator. The Deputy Title IX Coordinator will notify both Parties of that outcome. If the Appeal Officer determines that one or more grounds for the appeal is/are substantiated, the Appeal Officer will take appropriate action as indicated below.

Procedural Error: If it is determined that a procedural error unfairly affected the outcome of the investigation and resolution process, the Appeal Officer may return the complaint to the Investigator(s) with instructions to correct the error, and to reconsider the findings as appropriate. In rare cases, where the procedural error cannot be corrected by the original Investigator(s) (as in, e.g., cases where the Appeal Officer determines that there was actual bias that materially affected the outcome), the Appeal Officer may order a new investigation with new Investigator(s).

New Information: If the Appeal Officer determines that new information should be considered, the complaint will be returned to the Investigator(s) to reconsider the complaint in light of the new information only, and to reconsider the original findings as appropriate. The Investigator(s) will prepare an Addendum to the Final Report, and provide the Parties with an opportunity to respond to the Addendum consistent with the opportunity to do so in the Preliminary Report and Response stage.

Sanctions: If the Appeal Officer determines the sanctions imposed are disproportionate to the nature and severity of the offense and the cumulative conduct history of the

responding party, the Appeal Officer in conjunction with the appropriate Vice President may modify the sanctions.

Notification of Appeal Outcome

Appellant and Appellee will generally be notified in writing of the outcome of the appeal. The Appeal Officer's decisions are final and are not subject to appeal.

G. Additional Provisions

1. Students: Advisor of Choice

All persons who are a complainant or a respondent in the investigation and resolution process are permitted to bring an Advisor of their own choosing, including a family member or an attorney, to provide support. The Advisor may accompany the Party to any and all portions of the investigation and resolution process. The Advisor may not participate directly in, or interfere with, the proceedings. Although reasonable attempts will be made to schedule proceedings consistent with an Advisors availability, the process will not be delayed unduly to schedule the proceedings at the convenience of the Advisor. The Title IX Coordinator, the Investigator(s), and Deputy Title IX Coordinator have the discretion to remove the Advisor from the proceedings if the Advisor interferes with the proceedings.

2. Training

The College provides training to all individuals within the community who are involved in responding to, investigating, or resolving reports of Prohibited Conduct. If the College retains an individual outside the community to respond to, investigate, or resolve reports of Prohibited Conduct, the College requires that the retained individual has received adequate training consistent with the College's standards.

3. Notifications

The Deputy Title IX Coordinator will make reasonable efforts to ensure that the complainant and the respondent simultaneously are notified of the status of the investigation and resolution process, consistent with the processes described herein. Both Parties may, at any time, request a status update from the Deputy Title IX Coordinator.

4. Modification of Investigation and Resolution Process

The College will follow the investigation Process described herein barring exceptional circumstances. In rare instances, however, the College may be required to adapt or modify the investigation and resolution process (including timelines) to ensure an equitable resolution of a report of Prohibited Conduct. The College reserves this right. In such instances, the College will notify both Parties of the modification of the process

and, if appropriate, the exceptional circumstances requiring the College to adapt or modify the process.

5. Alcohol and Substance Use

As noted above, the purpose of this investigation and resolution process is to resolve reports of Prohibited Conduct. It is not the purpose of this investigation and resolution process to subject individuals to disciplinary action for their own personal consumption of alcohol or drugs. Consistent with the purpose of this process, the College will not subject individuals who participate in the process to disciplinary action for information revealed in the course of the process, provided that the individual's behavior did not, and does not, place the health and safety of others at risk. In all instances, the College may pursue educational initiatives or remedies related to an individual's consumption of alcohol or drugs. The use of alcohol or other drugs will never function as a defense for engaging in Prohibited Conduct.

6. Past Sexual History

In general, a complainant's prior sexual history is not relevant and will not be provided to the Investigator(s) by the College. Where there is a current or ongoing relationship between the complainant and the respondent, and the respondent alleges consent, the prior sexual history between the Parties may be relevant to assess the manner and nature of communications between the Parties. However, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent.

7. Respondent's Prior Conduct History

Where there is evidence of pattern of conduct similar in nature by the respondent, either prior to or subsequent to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant and probative to the Investigator(s)'s determination of responsibility, and/or the sanctioning official's determination of sanction. The Deputy Title IX Coordinator will make a determination of relevance based on an assessment of whether the previous incident was substantially similar to the conduct cited in the report and indicates a pattern of behavior and substantial conformity with that pattern by the respondent.

The College, in consultation with the Title IX Coordinator, may choose to provide this information to the Investigator(s), with appropriate notice to the Parties. Alternatively, a party may request in writing that information under this section be admitted. A request to admit such information must be submitted to the Deputy Title IX Coordinator. The Deputy Title IX Coordinator in consultation with the Title IX Coordinator will assess the relevance of this information and determine if it is appropriate for inclusion in the investigation report and or shared with investigators as appropriate.

8. Consolidation of Investigations

The Deputy Title IX Coordinator in consultation with the Title IX Coordinator has the discretion to consolidate into one investigation and resolution process multiple reports against a respondent, cross-complaints between a complainant and a respondent, and/or reports that the respondent may have violated College conduct standards that fall outside the scope of the Sexual Misconduct, Intimate Partner Violence and Stalking Policy, if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident, or doing so is otherwise deemed appropriate under the circumstances. Matters may be consolidated where they involve multiple complainants, multiple respondents, or related conduct that would regularly have been heard under the Code of Student Conduct, or be dealt with through other Colleges processes.

9. Failure of Advisor to Comply with Investigation and Disciplinary Process

If an Advisor fails to comply with the procedures set forth here, including through a material breach of confidentiality about the investigation and resolution process, the College reserves the right to exclude the Advisor from further participation in the process. Advisors may not speak for, or on behalf of, Parties.

10. Integrity of Proceeding

These procedures are entirely administrative in nature and are not considered legal proceedings, but rather procedures designed to address College policy violations. Neither party may audio nor video record the proceedings, nor is formal legal representation allowed.

11. Withdrawal from the Institution with Charge Pending

If a student makes the decision to withdraw from Champlain College after a notice of investigation is communicated to the student but before findings and a determination of responsibility are made, the College will suspend the disciplinary process at the time of withdrawal. The College will however gather information as it deems appropriate in order to, for example, better understand what may have occurred, and to facilitate the College's consideration of the matter if the student seeks readmission at a later time. The student's conduct file will reflect that the charge(s) is/are pending and were suspended because of the withdrawal. If the student subsequently applies for readmission to the College, the Vice President of Student Affairs and Institutional Diversity and Inclusion or designee will consider the application and such information as s/he deems appropriate, and will decide whether the student will be readmitted and, if so, whether any conditions or sanctions (such as probation or disciplinary or educational sanctions or other conditions) will be imposed upon re-enrollment. The decision of the Vice President of Student Affairs and Institutional Diversity and Inclusion or designee in such cases shall be final. In all cases the student will need to meet the general readmission criteria of the College.

12. Records

A Deputy Title IX Coordinator will retain records of all reports and complaints, regardless of whether the matter is resolved by means of Initial Assessment or the investigation and resolution process. Complaints resolved by means of an Initial Assessment are not part of a student's conduct file or academic record.

Affirmative findings of responsibility in matters resolved through the investigation and resolution process are part of a student's and employee's conduct record. Such records shall be used in reviewing any further conduct, or developing sanctions, and shall remain a part of a student's conduct record.

In addition to records kept by a Deputy Title IX Coordinator, the conduct files of students who have been suspended or dismissed from the College are maintained in the Office of Community Standards indefinitely. Conduct files of students who have not been suspended or dismissed are maintained in the Office of Community Standards for no fewer than seven years from the date of the incident. Records pertaining to cases involving faculty respondents will be maintained by the Provost's Office and the Division of Student Affairs, and records pertaining to cases involving non-faculty employees and contractors will be maintained by the People Center and the Office of Student Affairs.