



CHAMPLAIN  
COLLEGE

## 2023 Annual Security & Fire Safety Report



Information for the 2023-2024 Academic Year

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## **The Jeanne Clery Act- Campus Security Policy and Campus Crime Statistics Document.**

I am pleased to present the 2023 Champlain College Annual Security Report (ASR) and Fire Safety Report. This report is prepared by the Campus Public Safety Office on behalf of the College and complies with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The intent is to make safety related materials and statistics readily available to the Champlain College Community. Crime statistics include those reports made to local police, Campus Public Safety and Campus Security Authorities. With this publication, it is our intent to document mandatory information, i.e. crime statistics and fire safety data, as well as inform current students, employees and prospective students as to the many ways in which the College strives to enhance the safety our community.

Campus Public Safety is committed to working collaboratively with all our community partners, both internally and externally, in order to create a safe and welcoming campus environment. We encourage you to read, understand and use all the precautions outlined herein, as well as use the many resources available to you.

The ASR is housed within the Campus Public Safety Office and a copy is attached to the information bulletin board. All are welcome to stop by and review the ASR or request a copy; there is no cost associated.

This ASR, published as of October 1, 2023 is Champlain's official ASR.

Respectfully,

Bruce D. Bovat  
Director, Campus Public Safety  
Champlain College  
802-860-2755  
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## Campus Safety and Security Reporting

Choosing a College is a monumental decision for students and their families. Along with academic, financial and geographical considerations, the topic of safety plays a vital role in the decision-making process. In 1990, Congress enacted the *Crime Awareness and Campus Security Act of 1990* (Title II of Public Law 101-542), which amended the *Higher Education Act of 1965 (HEA)*. This act required all post-secondary institutions participating in *HEA's* Title IV student financial assistance programs to disclose campus crime statistics and security information. The act was amended in 1992, 1998 and 2000. The 1998 amendments renamed the law, The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act in memory of a student who was slain in her dorm room in 1986. It is generally referred to as the Clery Act.

On Aug. 14, 2008, the Higher Education Opportunity Act or HEOA (Public Law 110-315) reauthorized and expanded the Higher Education Act of 1965, as amended. HEOA amended the Clery Act and created additional safety related requirements for institutions to follow. Specifically, it added:

- New categories to the list of hate crimes, all institutions must disclose (Clery Amendment);
- A new disclosure regarding the relationship of campus security personnel with state and local law enforcement agencies (Clery amendment);
- Implementation and disclosure of emergency notification and evacuation procedures for all institutions (Clery amendment);
- Implementation and disclosure of missing student notification procedures for institutions with on-campus student housing facilities (*HEOA*);
- Fire safety reporting requirements for institutions with on-campus student housing facilities (*HEOA*);
- Text clarifying the definition of an on-campus student housing facility (Clery and *HEOA*); and
- A Program Participation Agreement (PPA) requirement concerning disclosure of the results of disciplinary proceedings to the alleged victim of any crime of violence or a non-forcible sex offense (*HEOA*).

Although *HEA*, as amended, is the law that governs the administration of all federal higher education programs, as used in this report, *HEA* refers only to the *Clery Act* and *HEOA* safety- and security-related requirements.

# Campus Public Safety (CPS)

## Mission Statement

*We are dedicated to working collaboratively with our partners to foster and maintain a safe, respectful and resilient environment in which to live, learn and work.*

## Core Values

Respect: *We will treat all people with dignity and courtesy while promoting equity and fairness.*

Integrity: *We will embody the highest ethical standards as well as promote the moral principles needed to build trust with those we serve.*

Service: *We will utilize a calm, courteous and reassuring approach when serving the Champlain College Community and our neighbors.*

Innovation: *We will approach every challenge as an opportunity to create positive change.*

The Champlain College Campus Public Safety Office takes great strides to promote the welfare and safety of our students, staff, faculty and guests. CPS has developed procedures, policies and programs to help promote a safe and secure living, learning and working environment. While no town or college, regardless of its size, is free of crime, we believe our policies and procedures, in conjunction with the efforts of the campus partners, work to make Champlain a safer community.

The CPS Office is located within Durick Hall (174 South Willard Street) and is staffed 24 hours a day, 365 days a year. Those needing assistance can stop at the office or call **802-865-6465** to speak with an officer. CPS Officers are not sworn police officers and therefore do not have arrest powers; however, CPS has established a strong, professional relationship with the Burlington Police Department (BPD). Although no written memorandum of understanding exists, the BPD continues to respond to the Champlain College Campus as needed to address violations of law as well as assist in community care-taking functions. Should the need ever arise CPS is prepared to work closely with state and federal law enforcement entities as well.

CPS Officers provide a myriad of safety and security services for the campus and other properties, owned, leased or otherwise controlled (in Vermont) by the College. Officers conduct campus patrols on foot, by bike and with marked patrol vehicles. All officers are certified in first aid and CPR, as well as trained in the use of AED (defibrillators) devices and the administering of Naloxone ("Narcan") nasal spray. CPS Officers carry digital two-way radios to communicate with one another as well as the 24-hour live dispatch center located within the University of Vermont Police Services Department.

## Daily Crime Log and the Annual Security Report

The purpose of the daily crime log is to record all criminal incidents and alleged criminal incidents that have been reported to have occurred on College property, properties under control of the College and adjacent public property. The Crime Log is updated no later than two business days after CPS is notified of a crime. The crime log, as with the ASR, are maintained and housed within the CPS Office.

## Campus Crime Reporting and CPS Response

While CPS Officers strive to be omni-present, they cannot be everywhere at all times and therefore they rely upon members of the College Community to report suspicious activity, crime, and emergencies as they become aware of them. We encourage accurate and prompt reporting of all crime to our office and to appropriate police agencies as needed, to possibly include when the victim of crime chooses not to, or is unable to, make such a report. Campus Public Safety can be reached by calling **802-865-6465** or by simply calling **6465** from any Champlain College phone. **911** is always a valid option during an emergency.

Upon receiving a call CPS personnel will promptly respond to evaluate the situation, and if need be coordinate with local authorities and additional campus staff. In a police, fire, or medical emergency, CPS will respond and stay on scene until the responding agencies have cleared. At that time CPS will inform other College officials of the situation as necessary.

The Campus Public Safety Director communicates regularly with the Burlington Police Department (BPD). As previously stated, no written memorandum of understanding exists, however, BPD has and will continue to respond to calls for service on our campus and will investigate all alleged criminal offenses. Champlain College does not have officially recognized student organizations with off-campus addresses.

Students looking for crime related information or assistance, or those that wish to discuss crime prevention, can contact Campus Public Safety at **802-865-6465** regardless of the time of day or via [publicsafety@champlain.edu](mailto:publicsafety@champlain.edu) (*this email is not monitored 24 hours a day, please use the phone for immediate needs*). The CPS Office will assist the student in reporting an incident or suspicious activity and connect them with additional resources as needed. Students, faculty and staff are encouraged to contact CPS with questions regarding personal safety, loss, theft, or damage of personal property.

Because the College does not carry insurance on students' personal property, it cannot assume responsibility for any of their personal possessions that may be lost, stolen, or damaged. Students are responsible for insuring their personal property and may be able to do so under their family's homeowner's policy. If you suspect that any of your belongings have been stolen, please promptly notify Campus Public Safety.

Violations of law will promptly be referred to law enforcement agencies and/or the Office of Community Standards for review and recorded on the daily crime log.

Tips for reporting a crime or emergency:

- Try to remain calm.
- Provide the location of the incident, building name, room number and/or parking lot.
- Identify yourself and give a callback telephone number. Your identity will remain confidential if you wish; however, it may be important that we are able to contact you again if we need additional information.
- State the nature of the incident you are reporting (i.e., theft, medical emergency, fire).
- Advise if medical treatment is needed.
- State any Person of Interest's (POI's) direction of flight, if applicable.
- Stay on the phone until the dispatcher or officer has recorded all of the information.

### Security Awareness and Crime Prevention Efforts

Campus Public Safety provides on-going programs to educate members of the campus community about safety practices. Programs include:

**Safety Presentations:** Each year CPS presents a 75 minute "Safety First" and "Active Shooter Preparedness" presentation during the new student orientation. Two "general" safety forums are offered to the community throughout the school year as well as safety related briefs upon request. CPS staff and Residential Life staff visit residence halls upon request to educate all residents on various aspects related to safety. Topics include, but is not limited to, fire safety, theft prevention, personal safety, dating and domestic violence prevention, stalking and sexual assault prevention. The common goal to these presentations is the promotion of self-awareness as well as personal responsibility for one's safety. Similar safety awareness and crime prevention presentations take place for all new employees during new hire orientation which occur upon request from the People Center (Human Resources).

**Self-Defense Classes:** Campus Public Safety Officers can facilitate classes on basic self-defense (free of charge) to students, faculty and staff alike. Once interest is expressed CPS will publicized the course in hopes of attracting more participants.

**Investigations:** All crime or safety related reports generated by CPS Officers are reviewed by the Director of Public Safety and/or the Assistant Director for quality assurance. For greater quality control all Campus incidents are reviewed weekly by members of the CARE Team. CARE is a multi-disciplinary team that review reports of concern looking for behaviors that may



be perceived as concerning, threatening, harmful or disruptive to the student or others. CARE members include representatives from the offices of Student Affairs, Residential Life, Community Standards, Campus Public Safety, Counseling Services, the Provost's Office and the school's Health Center. Collaboratively the CARE team works to identify proactive resources and guidance.

**Lighting and Grounds Surveys:** During routine foot patrols on campus the CPS Officers review exterior lighting as well as identify safety issues using Crime Prevention Through Environmental Design (CPTED) techniques. During inclement weather CPS will monitor snow & ice to promote safe pedestrian travel on walkways.

**Safety Escort Service:** A 24-hour safety escort is available to College affiliates between points on campus, and to provide vehicle transports to the University of Vermont Medical Center for non-emergency medical attention.

**Building Security:** Champlain College is an active member in the Burlington Community and hosts many activities and programs that are open to the public. The campus and its buildings (with the exception of residential halls) are open to the general public during regular business hours. In order to enhance safety, CPS conducts a series of lock-up routines each evening for the administrative and academic buildings. Residential halls are locked 24 hours a day with the exception of specific events, i.e. first year student move in day.

**Residential Hall Safety:** In 2022 Champlain College had 28 co-ed residential halls, which housed over 1,300 students during the academic year. Residential students are provided ID cards that serve as electronic key access cards, or a standard key, to access their residence halls. Guests and delivery personnel may use the front door to contact residents. Students are expected to meet their guests and accept deliveries at the Res Hall entrance. Throughout the year, Resident Assistants (RAs), Student Life Staff and CPS staff will remind residents of the importance of not allowing strangers into the residence halls.

Residents locked out of their room, when no RA is on duty, may contact CPS to gain access to their room. CPS Officers will require a photo ID to verify the person in question resides in the room they are granting access to. If a student is unable to provide their student ID, CPS will verify identify the student's identity through one of the school's databases.

Each 24-hour shift CPS Officers check the interior and the exterior perimeter of the residence halls. Continuous safety patrols of the residence hall areas are conducted and potential problems are addressed in a timely manner.

### Emergency Call Boxes a.k.a. "Blue Light Phones"

Emergency call boxes, a.k.a., "blue light phones" are available at 13 locations throughout the campus for to immediately notify CPS of serious concerns or emergencies. These blue light

phones are strictly intended for emergencies and connect the caller directly to Campus Public Safety. A blue light is situated above the phone and helps to quickly identify the phone's location. All phones are handicapped accessible. All elevator emergency phones are programmed to call the Campus Public Safety Office as well.

### **Emergency Call Box “Blue Light” Locations:**

- Alumni Auditorium, north entrance
- Bader Hall, east
- Boardman Hall, garage and north entrance
- Cushing Hall, east entrance
- Cushing Hall, front walkway
- Foster Hall, front walkway
- Hauke Center/CCM, north entrance
- Joyce Hall, northwest entrance
- Lakeview, Adirondack, Butler & Valcour Halls, courtyard
- Perry Hall, north entrance
- S.D. Ireland Center for Global Business & Technology, south entrance
- Durick Hall, west walkway
- Whiting Hall, west end walkway

### **How to Use the Emergency Call Boxes:**

Press and release the button marked "**PUSH.**" (No dialing is necessary) the call will automatically be connected to the Campus Public Safety Officer on duty via the duty cell phone. After four rings if the cell phone is not answered, the call is forwarded to the CPS Dispatch Center.

### **What to Tell Campus Public Safety When Calling:**

1. Your **name**
2. Your **location**
3. The **nature** of the emergency

A CPS Officer will provide further instructions and will respond to the emergency location, unless the situation dictates otherwise.

## LiveSafe Safety App

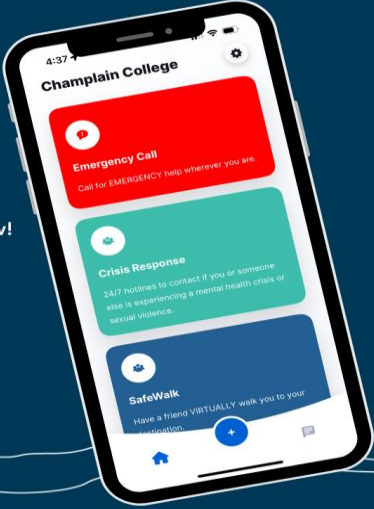

CHAMPLAIN COLLEGE

# LiveSafe safety app is now available!

It's like having a blue light in your hand.

- Emergency call button
- Virtual escort & route tracking
- Crisis response resources
- Health & safety resources

Download now!



Questions? Email [publicsafety@champlain.edu](mailto:publicsafety@champlain.edu)

The LiveSafe app is like having a mobile blue light on your phone; we encourage you to download it and use it anytime you may need help. This could include reporting concerning behavior, getting connected to a Champlain Campus Public Safety Officer or the Burlington Police, utilizing the virtual SafeWalk feature, or finding helpful information pertaining to health and safety resources, including mental health support.

<https://www.champlain.edu/current-students/campus-services/campus-safety/livesafe-safety-app>

## Potential Threats

All students, faculty and staff should be committed to promoting the safety and security of the campus and workplace environment. As such, anyone who believes that an individual (student, faculty, staff member or guest) has committed or may commit an act of violence, or is engaging in behavior that generates concern or otherwise may pose a threat to the health or safety of any member of the College community, is encouraged to call Campus Public Safety immediately at **(802) 865-6465**. In case of an emergency **911** remains a viable option.

Below are individuals to contact if you have concerns about threatening statements or behaviors. If the statements appear to present an imminent threat; **call Campus Public Safety 802-865-6465**

Office of Public Safety  
Dean of Students  
Office of Counseling

Bruce Bovat	(802) 860-2755
Susan Waryck	(802) 860-2702
Skip Harris	(802) 651-5961

Office of Student Affairs	Danelle Berube	(802) 865-5460
Office of Community Standards	Cory Davis	(802) 865-6428

For concerns that **do not** appear to present an imminent threat, individuals may still contact individuals above as well as those additional contacts listed below.

People Center	Mary Lee	(802) 865-5807
Academic Affairs	Monique Taylor	(802) 865-5715

Reports are reviewed to determine the appropriate response; the response may include, but would not be limited to, a referral to a mental health counselor or the Community Standards Officer. In situations where an individual has concerns about someone's behavior, but is unsure whether such behavior poses a "threat" to self or others, should report the information to Campus Public Safety or one of the individuals listed above. Individuals who wish to report crimes voluntarily and confidentially, that is to say anonymously, may still call Campus Public Safety at **(802) 865-6465**. Campus Public Safety is more concerned with your information, than your name.

The College will defer to the professional judgment of its counseling staff as to whether they should inform individuals that they are counseling, as to the procedures to report crimes on a voluntary basis for inclusion in the College's annual crime statistics. The College's professional counselors are not required to report crimes for inclusion in the statistics that they learn of in the course of their counseling work.

**Emergency Notifications/ Timely Warnings/ Campus Safety Advisory:**  
**Emergency Notification System (RAVE)**

**Emergency Notifications:** Champlain College utilizes RAVE Mobile Safety as the campus emergency mass notification system to alert students and employees if danger is present or imminent, on or near the College campus. (*i.e. severe weather, acts of violence or any other event that could threaten the health and well-being of the campus residents*). Prior to sending the notification the College will, without delay, assess all available information to best determine the content of the notification. When an alert is sent, affiliates should be given specifics about the danger as well as where to go for additional updates. Updates will continue until the threat no longer exists.

The Campus Public Safety Director or his/her designee will draft and send an emergency message after conferring with pre-designated College officials. The sender will determine the content of the notification by considering all reported and known information and mitigating

factors (such as whether issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond, or otherwise mitigate the emergency). If necessary, the sender will disseminate information about an on-campus emergency situation to the extended community by contacting local first responders (i.e., The Burlington Police Department, The Burlington Fire Department, The University of Vermont Police Department and the local **911** Public Safety Answering Point (PSAP)).

College affiliates are automatically enrolled to receive [RAVE Mobile alerts](#) via their college email address and cell phones.

There is no cost to enroll. We encourage affiliates to use the Rave Mobile Safety link (found on the CPS webpage) to confirm their contact information and choose their notification preferences. (Note that cellular phone providers may charge a per-text message fee for the delivery of emergency notifications to your phone).

Your **username** is your Champlain e-mail

Your **password** is your Champlain user password.

Once logged in, you can manage your account (i.e., you can add additional devices on which to receive text and/voice alerts).

The RAVE Mobile Alert system is tested once each semester (September and January). Tests are publicized in advance, so as to mitigate any confusion on behalf of the recipients. The CPS Office records a description of the alert test, the date and time it was sent and what additional information should be expected if it had been a real time emergency.

The last test of the RAVE Mobil Alert system was September 12, 2023 “Fall test”, during which 99% of the targeted recipients received either a text, phone call or email. Mass Emergency Alerts are further discussed and often simulated during the College’s Annual Emergency Table Top Exercise.

**Timely Warnings:** As deemed appropriate on a case by case basis, the Campus Public Safety Director, or their designee, will provide a timely warning to the community whenever a crime has been reported to CPS, a Campus Security Authority (CSA), or the Police, and the crime has occurred on campus, College controlled property or adjacent public property and is the crime is considered by the College to represent a threat to the campus community. In determining the content of timely warnings, the responsible college officials will consider the risk of compromising law enforcement efforts. The College will withhold the names of any victims as confidential and will provide only information intended to aid in the prevention of similar occurrences.

**Campus Safety Advisory:** There may be times when the College learns of public safety information that is deemed to be shareworthy, yet the information does not meet the threshold for an Emergency Notification or Timely Warning. In cases like these, the Director of Campus

Public Safety has discretion to send a Campus Public Safety Advisory to the community. These advisories may be disseminated via email and or fliers, but not via the RAVE Mobile Alert system.

### Missing Student Investigations/Notifications

Since Champlain College maintains on-campus housing facilities, it has policies and procedures, as required by the Clery Act, for investigating reports of missing students. It is the practice of the Campus Public Safety Office to immediately investigate reports of missing students, regardless of the student's age, or the length of time they have been reported missing, when the person's last known whereabouts involves our campus. Any person who believes a student might be missing should immediately notify Campus Public Safety.

Champlain College requires all students living in residence halls to register a contact person to be notified in the event of an emergency. Students who live in residence halls also have the right, regardless of age, to register one or more individuals to be a contact strictly for missing person purposes. This person need not be your emergency contact. This person's contact information will be kept confidentially and this information will be accessible only to authorized campus officials and may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

Anyone who believes that a student may be missing should report that immediately to the Campus Public Safety Office at **(802) 865-6465**. Campus affiliates receiving an initial report of a missing student are to report the information to Campus Public Safety Office at **(802) 865-6465**, CPS will then coordinate with the local police. It is Campus Public Safety policy to notify a missing student's parents or guardians of a missing student if the student is under 18 years of age and not emancipated. The College will notify the Burlington Police Department or other law enforcement agency with jurisdiction when, any student who lives in on-campus student housing, has been determined to be missing for 24 hours. Campus Public Safety officers will follow the CPS Missing Persons Protocol upon receiving an initial report.

**Emergency and Crime Reporting Procedures on Campus:** The Campus Public Safety Office is the central emergency reporting center for the College. In case of an emergency, community members should use the following numbers to summon assistance:

Champlain College Public Safety: **802-865-6465** (from any campus phone 6465)

Burlington Police Department; Emergencies Dial **911**

Non-Emergencies Dial 802-658-2700

Burlington Fire Department; Emergencies Dial **911**

Non-Emergencies Dial 802-864-5311

Champlain College Blue Light Telephone (push to call button)

## Weapons on campus

Possessing or using weapons, ammunition, explosives, flammable substances, or other dangerous devices are prohibited. Weapons are defined as any object or substance designed or used to inflict a wound, cause injury, or incapacitate, including but not limited to all firearms, airsoft guns, pellet guns, air pistols, air rifles; any dirk, bowie knife, switchblade knife, ballistic knife or any other knife having a blade of three or more inches; black jacks, metal knuckles, fireworks, explosives and biological agents. Realistic replicas and facsimiles of weapons are also considered weapons and are therefore prohibited. The use of implements or substances not commonly used as a weapon or not expressly prohibited by this section may be a violation of this policy if used or brandished as a weapon. The use of mace or pepper spray will not be a violation of this policy if used solely for self-defense. Due to their realistic likeness to weapons and potential for causing community alarm, possession or use of toy or replica weapons in a College-sanctioned activity or academic program must be approved in advance by Campus Public Safety. Exceptions can be granted only by the Campus Public Safety Office or the Dean of Students' Office.

## Bias Incident and Hate Crime Reporting

**Bias Incident:** Any conduct, speech, images, or expression that demonstrate conscious or unconscious bias which targets individuals or groups based on, but not limited to, their actual or perceived: age, disability, ethnicity, gender identity or expression, immigration status, marital status, national origin, race, religion, sex, sexual orientation, size, socioeconomic status/class, veteran status or on the basis of any other status protected by law or recognized within a Champlain College policy.

Examples:

- Calling a person or a behavior "gay," "lame," or "retarded" as an insult
- Imitating someone with any kind of disability or imitating someone's cultural attire, norms, or practices
- Telling jokes based on a cultural stereotype
- Derogatory graffiti or images/drawings
- Using a racial or ethnic slur to identify someone
- Making comments on social media about someone's age, disability, ethnicity, gender identity or expression, immigration status, marital status, national origin, race, religion, sex, sexual orientation, size, socioeconomic status/class, veteran status.

A bias incident is an offensive act that is neither criminal, nor a violation of the Sexual Misconduct Policy, the Discrimination and Harassment Policy, the Student Code of Conduct or comparable College Policies. If a bias-related incident falls within the scope and definitions of the aforementioned policies, it will be addressed through those processes. However, bias will be deemed an aggravating circumstance to any violation of College policy.

**Hate Crime:** As defined by Vermont law at 13 V.S.A § 1455, a hate crime is a crime that is maliciously motivated by the victim's actual or perceived race, color, religion, national origin,

gender identity, ancestry, age, service in the armed forces of the United States, disability, sexual orientation or gender identity is a hate crime. The perpetrator can be given additional penalties at sentencing. Hate crimes should be reported to local law enforcement agencies. Prosecutors can seek increased penalties for hate crimes, including longer jail sentences and higher fines.

### Personal Responsibility

The involvement of students, faculty and staff in the campus safety program is vital to its success. Students, faculty and staff are expected to assume responsibility for their own personal safety and the security of their personal belongings by taking simple, basic precautions. Room doors and windows should be closed and locked at night and whenever the room is unoccupied. Valuable items such as computers, phones, and cameras should be marked and serial numbers should be recorded in a safe location or a photograph of the numbers should be taken. It is important to promptly report any suspicious persons, activities or unusual incidents in residence halls or other campus buildings to the Campus Public Safety Office.

### SEXUAL MISCONDUCT, INTIMATE PARTNER VIOLENCE AND STALKING POLICIES.

Champlain College does not discriminate on the basis of sex in its educational programs; sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, and stalking. As a result, Champlain College issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a Responsible Employee. In this context, Champlain College prohibits the offenses of domestic violence, dating violence, sexual assault and stalking as defined by the Clery Act as well as College policy and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the College community.

### SEXUAL MISCONDUCT, INTIMATE PARTNER VIOLENCE AND STALKING POLICY *(for instances that allegedly occurred on or after August 14, 2020).*

In accordance with federal Title IX regulations and guidance in place as of the time of the publication of this ASR, the College uses different policies and procedures to address alleged instances of sexual misconduct, intimate partner violence and stalking, depending on when instances allegedly occurred. The procedures set forth in Appendix B will be applied to instances covered by the policy that allegedly occurred before August 14, 2020 and misconduct definitions in effect at the time of the alleged incident will be applied, regardless of when the alleged instances are reported. The policies and procedures set forth immediately below will be applied to instances covered by the policy that allegedly occurred on or after August 14, 2020 (that is, the date on which May 2020 title IX regulations became effective), as noted below.



## SECTION A: INTRODUCTION AND NOTICE OF NON-DISCRIMINATION

Champlain College (“Champlain” or the “College”) seeks to maintain a safe learning, living, and working 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 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, gender-based harassment, sexual harassment, sexual assault, non-consensual sexual contact, stalking, dating and domestic violence and misconduct, and sexual exploitation, as defined below. The Policy also prohibits retaliation against a person because they have reported, filed a complaint, 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.

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 2019 (“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, gender, or sexual orientation).

## SECTION B: SCOPE OF POLICY

Except as more specifically defined below in the context of who can file a formal complaint of Title IX Sexual Harassment, when used in this Policy, “complainant” refers to a current Champlain College student or employee who is reported to have experienced Prohibited Conduct. “Respondent” refers to an 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.

### **1. Effective Date and Coverage**

The procedures outlined in this Policy will be used by the College to address incidents alleged to have taken place on or after August 14, 2020. Any incidents alleged to have taken place prior to August 14, 2020 will be addressed through the policies and procedures outlined in the Sexual Misconduct Policy published in the 2019-2020 Undergraduate College Catalog, which is included as **Appendix B to this ASR**, and not through the policies and procedures outlined in this Policy. In this context as well, the College will apply the misconduct definitions that were in effect at the time of any alleged misconduct. This delineation of applicable policies, misconduct definitions and procedures will apply regardless of when the alleged incident is reported.

### **2. Persons Covered**

This Policy prohibits Prohibited Conduct by 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. Champlain College students and employees may be respondents who are entitled to the policies and procedures outlined in this Policy. Any other individuals who are reported to have engaged in Prohibited Conduct will be provided with any policies and procedures outlined in other College policies and/or agreements as applicable, and/or the College’s handling of such reports as to such individuals will be determined at the College’s discretion.

Students will be held accountable for Prohibited Conduct that takes place between the time an offer of admission is extended and their graduation, completion of their program,

or Champlain's confirmation of their resignation or dismissal. Students who have taken a leave of absence or have withdrawn may be held accountable for allegations of Prohibited Conduct that occurred prior to or during their absence or withdrawal; the student's conduct file will reflect that the charge(s) is/are pending and the student's ability to re-enroll may be impacted. Students who graduate may also be held accountable for allegations of Prohibited Conduct prior to commencement, and a hold may be placed on their ability to receive their diploma and official transcripts, pending a hearing and/or completion of sanctions. In the event of serious Prohibited Conduct committed while still enrolled but reported after the accused student has graduated, Champlain College may pursue action under this Policy, and should the accused student be found responsible, may revoke the student's degree.

The College strongly encourages reports of Prohibited Conduct regardless of who engaged in the alleged 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.

### **3. Locations Covered**

This Policy applies to all domestic and international on-campus conduct, conduct that occurs in the context of a College program, 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, resolution and sanction processes under this Policy and/or other Champlain College policies as well.

**a. Domestic On-Campus Conduct.** This Policy applies to conduct that occurs on-campus (in-person or virtual) within the United States, including conduct which occurs on property or in virtual spaces owned, rented, or managed by the College, including, but not limited to, Burlington's Main and Lakeside Campuses, Champlain College Online, temporary residential housing locations, and Champlain College's virtual learning spaces.

**b. International On-Campus Conduct.** This Policy applies to conduct that occurs on Champlain College's international campuses in Montreal, Canada and Dublin, Ireland, on property that is owned, rented, or managed by the College.

**c. College Programs.** This Policy applies to conduct that occurs in the context of College employment or College managed educational programs or activities, including, but not limited to, Champlain study abroad, virtual gap year, or internship programs.

**d. 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.

#### **4. Scope of Jurisdiction**

The Policy encompasses Prohibited Conduct and locations that go beyond the scope of Title IX regulations issued by the U.S. Department of Education in May 2020 (“2020 Title IX regulations”). If the alleged Prohibited Conduct falls within the scope of the 2020 Title IX regulations and the College proceeds with a formal investigation, the investigation and resolution process will be overseen by the Title IX Coordinator or designee and conclude with a final investigation report and live hearing, based on which a decision will be rendered. If the alleged Prohibited Conduct falls outside of the scope of the 2020 Title IX guidance and the College proceeds with a formal investigation, the investigation and resolution process will be overseen by the Office of Community Standards, the People Center, or both, depending on whether the parties involved are students, employees, or both. Prohibited Conduct by each standard is as follows:

**a. Title IX Scope.** Title IX encompasses the following Prohibited Conduct when the incident occurs in the United States *and* on-campus and/or as part of a College Program as defined above:

- Sexual Harassment that is so severe, pervasive, and objectively offensive that it has certain effects on the complainant, as detailed below.
- Sexual Assault
- Dating Violence and Domestic Violence
- Sex-based Stalking

**b. Standards of Conduct Scope.** The College prohibits the following sexual misconduct involving one or more parties affiliated with Champlain College:

- Sexual Harassment that does not fall within the scope of Title IX Sexual Harassment
- Sexual Assault that does not fall within the scope of Title IX Sexual Harassment
- Domestic Violence and Dating Violence that does not fall within the scope of Title IX Sexual Harassment
- Stalking that does not fall within the scope of Title IX Sexual Harassment
- Non-Consensual Sexual Contact that does not fall within the scope of Title IX Sexual Harassment
- Gender-Based Harassment that does not fall within the scope of Title IX Sexual Harassment
- Domestic and Dating Misconduct
- Sex- or Gender-Based Discrimination
- Sexual Exploitation
- Retaliation as defined below

Note: Alleged sexual misconduct that occurs off-campus (e.g., at off-campus apartments and unsponsored spring break trips) or outside the United States (e.g., on Champlain's campuses in Montreal or Dublin, or in study abroad experiences whether organized by the College or not) will not fall within the scope of Title IX, but is prohibited by College policy.

### SECTION C: PROHIBITED CONDUCT AND DEFINITIONS

The definitions of sexual assault, domestic violence, dating violence and stalking used in this policy are consistent with the Clery Act, as amended effective 2014. Champlain College prohibits the crimes of sexual assault, dating violence, domestic violence, and stalking as defined by the Clery Act and this policy. In addition, for the purposes of this policy, the definitions of domestic violence and dating violence expand upon the definitions required under the Clery Act, as amended effective 2014, and include other prohibited behaviors. This policy further expands the list of prohibited behaviors beyond Clery requirements to include the categories of Sexual Exploitation, and Domestic and Dating Misconduct.

**1. Title IX Sexual Harassment:** Title IX Sexual Harassment (i.e., Quid Pro Quo Sexual Harassment, Severe, Pervasive and Objectively Offensive Sexual Harassment, Sexual Assault, and Domestic Violence, Dating Violence and sex-based Stalking within the scope of Title IX) is defined below for purposes of this Policy.

Title IX Sexual Harassment is a subset of Prohibited Conduct. Under Department of Education regulations (see 34 C.F.R., Part 106) issued in May 2020 ("May 2020 Title IX regulations") to implement Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., the College is required to prohibit certain forms of sexual harassment as defined in those regulations. Title IX Sexual Harassment is Prohibited Conduct of the following types committed by or against students and/or employees in an education program or activity of the College, in the United States. Further, in order for the College to consider a Formal Complaint of such misconduct as falling within its Title IX Sexual Harassment policy and procedures, the complainant must be participating in or attempting to participate in a College program or activity at the time the complaint is filed.

Conduct takes place within the College's "programs and activities" when that conduct occurs: (1) in a location, at an event, or in a circumstance where the College exercises substantial control over both the respondent and the context in which the conduct occurs; or (2) in any building owned or controlled by a student organization recognized by the College. Conduct that occurs off campus in locations or at events with no connection to the College is unlikely to have occurred in a program or activity of the College.

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

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

**a. Title IX Quid Pro Quo Sexual Harassment**

Quid pro quo sexual harassment for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of the College in the United States by which an employee of the College conditions the provision of an aid, benefit, or service of the College on a student's or employee's participation in unwelcome sexual conduct.

**b. Title IX Severe, Pervasive and Objectively Offensive Sexual Harassment**

Severe, pervasive and objectively offensive sexual harassment for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of the College in the United States that constitutes

unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a student or employee equal access to a College education program or activity.

**c. Title IX Sexual Assault**

As required by the May 2020 Title IX regulations, the College's definition of Title IX Sexual Assault incorporates the definitions of the FBI's Uniform Crime Reporting (NIBRS) program, and is as follows:

- **Rape:**
  - The carnal knowledge of a person (i.e., penile-vaginal penetration), without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity (it should be noted that either females or males could be complainants under this definition);
  - Oral or anal sexual intercourse (i.e., penile penetration) with another person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
  - To use an object or instrument (e.g., an inanimate object or body part other than a penis) to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of that person, including instances where the person is incapable of giving consent because

of their age or because of their temporary or permanent mental or physical incapacity;

- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity (for purposes of this definition and as noted below, “private body parts” includes breasts, buttocks, or genitals, whether over or under clothing);
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

Sexual assault can be committed by any person against any other person, regardless of gender, gender identity, sexual orientation, or past or current relationship status.

#### **d. Title IX Dating Violence**

Title IX Dating Violence for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of the College in the United States that constitutes violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

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

#### **e. Title IX Domestic Violence**

Title IX Domestic Violence for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of the College in the United States that constitutes a felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;

- By a person with whom the victim shares a child in common;
- By a person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

#### **f. Title IX Stalking**

Title IX Stalking for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of the College in the

United States that constitutes engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

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

For purposes of this definition:

**Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

**Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.

**Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Examples of stalking behaviors or activities include, but are not limited to the following, if they occur in the context of stalking as defined above (i.e., the behaviors or activities would cause a reasonable person to fear for their safety or the safety of others, or to suffer substantial emotional distress):



- 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, such as posting pictures or text in chat rooms or on websites, sending unwanted or unsolicited e-mail or talk requests, posting private or public messages on Internet sites, social networks, and/or school bulletin boards, installing spyware on a person's computer, or using Global Positioning Systems (GPS) or similar technology to monitor a person;
- pursuing, following, waiting for, 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 and voyeurism; trespassing;
- vandalism;
- non-consensual touching;
- direct verbal or physical threats against a person or a person's family member, pet or personal property;
- gathering information about a person from friends, family, or co-workers;
- accessing private information through unauthorized means;
- threats to harm self or others;
- defamation and/or lying to others about the person; and
- using a third party or parties to accomplish any of the above.

**2. 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, that does not fall within the definition of Title IX Sexual Harassment. The criteria for determining the existence of a domestic or dating relationship are provided in the 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.

**3. 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, that does not fall within the definition of Title IX Sexual Harassment. To qualify as Gender-Based Harassment, the conduct need not involve conduct of a sexual nature.

**4. Non-consensual sexual contact:** Non-consensual contact includes: (1) 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), that does not fall within the definition of Title IX Sexual Harassment; (2) causing an individual to touch their own private body parts, touching another individual's body with a private body part, touching another individual's private body part with any object, or disrobing or exposure of another without permission, that does not fall within the definition of Title IX Sexual Harassment.

**5. Non-Title IX 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, that does not fall within the definition of Title IX Sexual Harassment.

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

**a. 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, which does not fit within the definition of Title IX Sexual Harassment.

**b. Hostile Environment.** A hostile environment that falls below the threshold for Title IX Sexual Harassment 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 that it creates a hostile environment 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 experience 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. In contrast, the perceived offensiveness of a single verbal or written expression is typically not sufficient to constitute a hostile environment.

Examples of conduct that may constitute Sexual Harassment for purposes of this specific definition may include a severe, persistent, or pervasive pattern unwelcome conduct of a sexual nature that includes but is not limited to one or more of the following:

- **Physical conduct**, including unwelcome touching, 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 that does not fall within the definition of Title IX Sexual Harassment**, 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.

**6. Non-Title IX Sexual Assault:** Sexual assault as defined above that does not fall within the definition of Title IX Sexual Harassment (e.g., because it did not occur in a program or activity of the College in the United States).

**7. Non-Title IX Domestic Violence:** Domestic violence as defined above that does not fall within the definition of Title IX Sexual Harassment (e.g., because it did not occur in a program or activity of the College in the United States).

**8. Non-Title IX Dating Violence:** Dating violence as defined above that does not fall within the definition of Title IX Sexual Harassment (e.g., because it did not occur in a program or activity of the College in the United States).

**9. Non-Title IX Stalking:** Stalking as defined above that does not fall within the definition of Title IX Sexual Harassment (e.g., because it did not occur in a program or activity of the College in the United States).

**10. 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, that does not fall within the definition of Title IX Sexual Harassment.

**11. Sexual Exploitation:** Sexual Exploitation that falls outside the definition of Title IX Sexual Harassment 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 definitions of "sexual assault" or "Non-Title IX Non-Consensual Sexual Contact" 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 or 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

## **SECTION D: KEY TERMS**

**1. Advisor:** An individual selected by either party to provide support and advice throughout the reporting, investigation, and any resulting disciplinary process under this Policy. For processes that include a Live Hearing, advisors are also permitted to pose cross-examination questions to the other party and any witnesses on behalf of their advisee. An advisor may not otherwise speak on behalf of or otherwise represent their advisee, with the exception of asking questions on behalf of their advisee, as noted above.

**2. Coercion:** Coercion is the improper use of pressure to compel another individual to initiate or continue sexual activity against that individual’s will. 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.

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. 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.

Consent obtained through coercion is not valid. 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.

**3. Complainant:** Except as more specifically defined below in the context of who can file a formal complaint of Title IX Sexual Harassment, when used in this Policy, “complainant” refers to a current Champlain College student or employee who is reported to have experienced Prohibited Conduct, irrespective of whether that individual initiated any formal College process, or has otherwise chosen to participate in such a process.

**4. Consent:** “Consent” means **the affirmative, unambiguous, and voluntary agreement to engage in a sexual act, which can be revoked at any time.** No person subject to this policy shall engage in a sexual act with another person:

- without the consent of the other person; or
- by threatening, coercing, forcing or intimidating the other person (also see the definitions of coercion, force and intimidation in this policy, which are incorporated by reference); or
- by placing the other person in fear that any person will suffer imminent bodily injury; or
- when **the person knows or reasonably should know that the other person is asleep, unconscious, or otherwise unaware that the sexual act is occurring.**

No person subject to this policy shall administer any alcohol, drugs, or other intoxicants to another person without the person’s knowledge or against the person’s will and, while the person is impaired by the alcohol, drugs, or intoxicants, engage in a sexual act with that person.

No person subject to this policy shall engage in a sexual act with another person when the other person is incapable of consenting to the sexual act due to substantial impairment by alcohol, drugs, or other intoxicants and that condition is known or reasonably should be known by the person.

- “Incapable of consenting” as used in this policy means the other person:
  - is incapable of understanding the nature of the conduct at issue;
  - is physically incapable of resisting, declining participation in, or communicating unwillingness to engage in the conduct at issue; or
  - lacks the mental ability to make or communicate a decision about whether to engage in the conduct at issue.
- A person may be incapable of consenting due to the effects of alcohol, drugs or other intoxicants, or due to a physical, mental or other condition.

Lack of consent may be shown without proof of resistance, and **submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent to engage in 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. Again, consent can be withdrawn at any time.**

It is the responsibility of those who initiate and/or engage in sexual activity to be clear that consent as defined in this policy is given before proceeding with further sexual activity. It should be noted that ignorance of the policy noted above, or the intoxication of the respondent, will in no way be considered an excuse for violating the policy. Determinations regarding whether a person is responsible for violating this policy will be made by considering whether the person knew, or a reasonable, unimpaired person in their circumstances should have known, that the other person was not consenting to or was incapable of consenting to the sexual conduct at issue **or was asleep, unconscious, or otherwise unaware that the sexual act was occurring.**

Any incident falling within the definition of sexual assault provided in this policy is prohibited.

**5. 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.

**6. 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.

**7. 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.

**8. Preponderance of the Evidence:** The evidentiary standard used in investigation and/or disciplinary processes to determine whether or not a Respondent is responsible for a violation of this Policy. A preponderance of the evidence is found when the evidence considered demonstrates that the alleged actions are more likely to have occurred than not.

**9. Private body parts:** Private body parts for purposes of this policy include breasts, genitals, buttocks, or groin, whether over or under clothing.

**10. Respondent:** An individual who is reported to have engaged in Prohibited Conduct.

## SECTION E: RETALIATION

Retaliation is Prohibited Conduct under this Policy, and will be investigated and addressed through the procedures for Non-Title IX Misconduct referenced below. Retaliation means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations or this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing regarding Prohibited Conduct (including both Title IX Sexual Harassment and Non-Title IX Misconduct). Retaliation is strictly prohibited. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or

complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations, constitute retaliation, as do any adverse action taken against a person because they have made a good faith report of Prohibited Conduct or participated in any proceeding under this Policy. Retaliation may include intimidation, threats, coercion, harassment, or adverse employment or educational actions that would discourage a reasonable person from engaging in activity protected under this policy. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance process under this Policy does not constitute prohibited retaliation, provided, however, that a determination regarding responsibility is not alone sufficient to establish that any party made a materially false statement in bad faith.

The College will not engage in and will take immediate and responsive action to address any report of covered retaliation and will pursue disciplinary action as appropriate. An individual whose good faith activity 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.

## SECTION F: CONFIDENTIALITY & PRIVACY

The College is committed to protecting the privacy of all individuals involved in the investigation and resolution of reports under this Policy. The College is also 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.

### **1. Privacy and confidentiality have distinct meanings under this Policy.**



**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 provide supportive measures or 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.

**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 L: Care and Support. 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.

May 2020 Title IX regulations contemplate that certain information will generally be treated confidentially, except as qualified by statements in those regulations. For example, the regulations provide that colleges must maintain as confidential any supportive measures provided to a complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the supportive measures. The regulations also provide that colleges must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of the Title IX regulations, including the conduct of any investigation, hearing, or judicial proceeding arising under those regulations.

## **2. Complainants may request confidentiality under this policy.**

A complainant 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 address 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. These issues are discussed further below.

### **3. The College is required to disclose certain information, per the Clery Act.**

#### **a. 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.

#### **b. 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.

#### **c. 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.

### SECTION G: RESPONSIBLE EMPLOYEES

A "Responsible Employee" includes any employee who: (1) has the authority to take action to redress the harassment; or (2) has the duty to report to appropriate school official sexual harassment or any other misconduct by students or employees.

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 report disclosures of Prohibited Conduct to 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.

### **SECTION H: CHAMPLAIN'S TITLE IX COORDINATOR AND DEPUTY COORDINATORS**

Notice of Designated Title IX Coordinator and Deputy Coordinators: The College has designated and authorized Erin Ferrara, Director of Accessibility and Student Support to serve as the College's Title IX Coordinator, and to coordinate the College's efforts to comply with Title IX. For general Title IX questions email

**[titleix@champlain.edu](mailto:titleix@champlain.edu)**. The Title IX Coordinator may delegate their duties as appropriate, so references to the Title IX Coordinator throughout this policy should be read as also including a reference to a "designee" of the Title IX Coordinator.

The Title IX Coordinator and Deputy Coordinators can be contacted by email, phone, or in person during regular office hours. Materials can also be mailed to the Title IX Coordinator or any Deputy Coordinator at 375 Maple Street, Burlington, VT 05401.

#### **Erin Ferrara**

Director of Accessibility, Student Support, and Title IX Coordinator  
Skiff Hall, Room 116  
[eferrara@champlain.edu](mailto:eferrara@champlain.edu)  
(802) 865-5764

#### **Bruce Bovat**

Director, Campus Public Safety  
Durick Hall  
Deputy Title IX Coordinator  
[bbovat@champlain.edu](mailto:bbovat@champlain.edu)  
(802) 860-2755

**Gail MacDonald**

Manager, Application Transfer Credit Review, Champlain College Online

Deputy Title IX Coordinator

[gmacdonald@champlain.edu](mailto:gmacdonald@champlain.edu)

(802) 522-3891

**Kaelyn Murray**

Academic Advisor, Champlain College Online

Deputy Title IX Coordinator

[kmurray@champlain.edu](mailto:kmurray@champlain.edu)

(802) 865-5735

**Cory Davis**

Director of Community Standards

Skiff Hall

Deputy Title IX Coordinator

[cory.davis@champlain.edu](mailto:cory.davis@champlain.edu)

(802) 865-6428

**Kelsey O'Connor**

Director of Housing and Residential Life

Deputy Title IX Coordinator

[koconnor@champlain.edu](mailto:koconnor@champlain.edu)

802-865-2749

Reports may be made 24 hours per day, 7 days per week, as described below.

**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 Deputy Coordinators. In addition, based on the relationship of the complainant and/or the respondent to the College, the Title IX Coordinator may also be supported by the Vice President for Academic Affairs and/or the Vice President of Human Capital. 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.

## SECTION I: 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.

### **1. 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 Harassment, Sexual Assault, Dating or Domestic 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.

Available external resources that you may contact independently or with the College's assistance include:

#### **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 or who participate in Champlain College Online or other virtual programs should consult Program Directors or advisors regarding external reporting and support options in their respective communities.

## **2. Champlain College Reporting Options**

**Campus Public Safety (802-865-6465)** is available 24/7 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 counselor on call at any time.

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

## **3. Making a Report**

Making a report means telling Public Safety (initially, outside regular business hours), the Title IX Coordinator or a Deputy Title IX Coordinator what happened. A report can be made in-person or by video meeting, by telephone, in writing, by email, or by submitting an electronic **Title IX and Sexual Misconduct Report Form**. Contact information for the Title IX Coordinator and Deputy Coordinators can be found in Section H: Champlain's Title IX Coordinator and Deputy Coordinators.

The Title IX Case Management Team handles complaints of Prohibited Conduct against any individual, and works with other offices on campus to provide reasonable Supportive Measures such as No Contact Orders, changes in work schedule, or academic accommodations. See Section K: Supportive Measures for more information.

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 Supportive Measures 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 emergency removal, administrative leave and interim measures, depending on the circumstances, to provide for the safety of the individual and the campus community.

#### **4. 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](http://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  
617-289-0111  
[OCR.Boston@ed.gov](mailto:OCR.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)

## **5. Other Reporting Considerations**

### **a. 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.

### **b. 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.

### **c. 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 a request, the College will 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 their rights, procedural options, and the

implementation of Supportive Measures to provide safety and well-being, under this Policy. The College will promptly initiate or resume its investigation as soon as it is informed that law enforcement has completed its initial investigation.

#### **d. 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 Standard of Conduct to make an intentionally false report of any Policy violation, and it may also violate state criminal statutes and civil defamation laws.

#### **e. 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.

#### **f. 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.

The College will initiate an investigation into every report of alleged misconduct by faculty, staff, or volunteers affiliated with the institution where the complainant is a minor, even if the complainant is under the age of 18 and declines to file a formal complaint.

## SECTION J: EMERGENCY REMOVAL, ADMINISTRATIVE LEAVE, AND INTERIM SUSPENSION

### **1. Emergency Removal of Students or Employees in Title IX Sexual Harassment Cases**

When the College determines that there is an immediate threat to the physical health or safety of any student or other individual arising from reported conduct that falls within the definition of Title IX Sexual Harassment in this policy, the College can remove a respondent from its education program or activity (which may include removing an employee respondent from their employment at College) and issue any necessary related no-trespass and no-contact orders. The College will make the decision to remove a respondent from its education program or activity based on an individualized assessment and risk analysis.

If the College makes such a decision, the respondent will be provided with notice and an opportunity to challenge the decision immediately following the removal. Specifically, the respondent shall have forty-eight hours in which to submit a letter to or appear personally or virtually before the Director of Campus Public Safety or designee to contest the emergency removal (though a meeting could be scheduled sooner if requested by the respondent, if practicable).

## **2. Administrative Leave in Title IX Sexual Harassment Cases**

The College always maintains the discretion to place non-student employee respondents on paid administrative leave during the pendency of an investigation and resolution process as outlined below. The College may also place a non-student employee respondent on unpaid administrative leave during the pendency of an investigation and resolution process.

The College may place student-employee respondents on administrative leave from their employment during the pendency of an investigation and resolution process where deemed appropriate as a supportive measure, under circumstances where it can do so without unreasonably burdening the student-employee respondent.

## **3. Emergency or Interim Suspension, Administrative Leaves and Other Actions in Non-Title IX Sexual Misconduct Cases**

In cases that involve allegations of Non-Title IX Sexual Misconduct (that is, Prohibited Conduct as defined by this Policy that does not fall within the definition of Title IX Sexual Harassment), the College may at its discretion initiate emergency and/or interim suspensions of students and suspension or dismissal of employees in accordance with the College's other policies, procedures and practices, which include but are not limited to the College's employment at will policy.

### **SECTION K: SUPPORTIVE MEASURES**

The College will provide reasonable and appropriate Supportive Measures. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to College's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter Prohibited Conduct. Supportive Measures may be implemented 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 Supportive Measure, or the College may choose to implement Supportive 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 Supportive Measures provided under this Policy to the extent practicable and will promptly address any violation of those measures.

## **Range of Measures**

Supportive Measures will be implemented at the discretion of the College, when requested and reasonably available. Supportive Measures may include:

- Access to counseling services and assistance in setting up an initial appointment, both on and off campus;
- Implementation of mutual campus “No Contact Orders” administered to meet the individual needs of parties involved;
- Academic accommodations including but not limited to 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);
- Changes 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;
- If not otherwise covered by the supportive measures listed as examples above, the complainant’s options for requests for changes to academic, living, transportation, and working situations or protective measures; and/or

- Any other remedy that can be tailored to the involved individuals to reasonably achieve the goals of this Policy.

## SECTION L: 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.

### **1. 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.

#### **a. On-Campus Confidential Resources:**

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

Counseling Center  
Skip Harris, Director  
[sharris@champlain.edu](mailto:sharris@champlain.edu)

Student Health Center  
Diana Clayton, Medical Director  
[diana.clayton@champlain.edu](mailto:diana.clayton@champlain.edu)

### **b. 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 the 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, the Student Health Center is not equipped for forensic examinations.

Taxi vouchers are available at Campus Public Safety, the Student Health Center, and Counseling Services to provide free transportation to local medical centers, or if preferred, College personnel can provide transportation.

### **c. (Confidential) Off-Campus Resources**

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 1-800-489-7273

Vermont Legal Aid  
264 N Winooski Ave  
Pride Center  
255 S Champlain St Suite 12, Burlington, VT  
802-860-7812

Howard Center  
208 Flynn Ave  
Burlington, VT  
802-488-7777

Pearl Street Youth Health Center  
179 Pearl Street  
Burlington, VT  
802-652-1080

National Domestic Violence Hotline 1-800-787-3224  
1-800-799-7233  
[www.thehotline.org](http://www.thehotline.org)

Rape, Abuse and Incest National Network (RAINN)  
1-800-656-HOPE (4673)  
[www.rainn.org](http://www.rainn.org)

National Domestic Violence Hotline 1-800-787-3224  
1-800-799-7233  
**[www.thehotline.org](http://www.thehotline.org)**

Rape, Abuse and Incest National Network (RAINN)  
1-800-656-HOPE (4673)  
**[www.rainn.org](http://www.rainn.org)**

## **2. (Non-Confidential) Off-Campus Law Enforcement Resources**

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

Chittenden District Courthouse  
32 Cherry Street  
Burlington, VT  
802-651-1950

## **3. Additional Resources**

In addition to the 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 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 process.

Students, faculty and staff may also access resources located in the local community in addition to those 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 access support through the Employee Assistance Program (EAP) 800-828-6025 (24 hours).**

### SECTION M: 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 the Student Affairs, Diversity and Inclusion "Safety and Respect" website.

### **SECTION N: 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.



## SECTION O: INVESTIGATION PROCESS

Unless specified otherwise, this section outlines the procedures the College follows in investigating allegations that a person has experienced Prohibited Conduct (“complainant”) due to the actions of a student, employee, or other College community member who allegedly 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.”

### **1. Initial Report**

An individual who wishes to report an act of Prohibited Conduct (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 report can be made in-person or by video meeting, by telephone, in writing, by email, or by submitting an electronic **Title IX and Sexual Misconduct Report Form**. Contact information for the Title IX Coordinator and Deputy Coordinators can be found in Section H: Champlain’s Title IX Coordinator and Deputy Coordinators.

The Title IX Case Management Team will coordinate the investigation of all reports of Prohibited Conduct defined in the Sexual Misconduct Policy. The Title IX Coordinator, or 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.

In cases where the named respondent is not a 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.

### **2. Initial Assessment & Intake Meeting**

Upon receipt of a report, the Title IX Coordinator, a Deputy Title IX Coordinator or a designee will promptly conduct an Intake Meeting or communication with a complainant. At that meeting, the following topics will be discussed, as appropriate:

- The availability of Supportive Measures as defined above;
- The complainant’s wishes with respect to supportive measures;
- The availability of supportive measures with or without the filing of a formal complaint;
- The process for filing a formal complaint.
- Further details regarding these issues are provided below.

- Immediate physical safety and emotional well-being needs;
- Notifying 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;
- Notifying the complainant of the right to be assisted by individuals at the College in contacting law enforcement;
- Notifying the complainant of confidential and non-confidential reporting options on and off campus;
- Providing 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;
- Explaining the right to object to the assignment of a designated Deputy Title IX Coordinator or investigator(s) based on actual bias or conflict of interest to proceed through the Investigation Process;
- Explaining that the complainant has a right to an advisor of their choice during the process and the role of the advisor;
- Assessing for pattern evidence or other similar conduct if possible;
- Explaining the Good Samaritan Statement;
- Explaining the College's policy prohibiting retaliation;
- Explaining 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.
- Explaining that the complainant may request accommodations related to the Investigation Process through the Office of Accessibility.

Following or at the meeting, the Title IX Coordinator, Deputy Title IX Coordinator or designee will provide the complainant with a summary of the above-listed information in writing, which will include written notification of existing counseling, health, advocacy, and other services available to the complainant, both within the institution and the community.

As described in the Sexual Misconduct Policy, the complainant has the right to request that the Title IX Coordinator, Title IX Coordinator, Deputy Title IX Coordinator or designee or designee not share the complainant's name (or other identifiable information) with the respondent, or that the Title IX Coordinator take no formal action in response to the report. If the complainant makes such a request, the Title IX Coordinator, in consultation with the Title IX Case Management Team, will balance the request with its obligation to provide a safe and nondiscriminatory environment for all College community members.

The Title IX Coordinator, in consultation with the Title IX Case Management Team, 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.

Absent a request for confidentiality as described above, the Title IX Coordinator, Deputy Title IX Coordinator or designee 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.

### **3. Filing a Formal Complaint**

A complainant who would like the College to pursue the formal investigation and resolution process must submit a formal complaint, signed physically or electronically by the complainant, to the Title IX Coordinator or a Title IX Deputy Coordinator. The formal complaint must state the allegations and request that the College initiate an investigation. A formal complaint may be submitted prior to or at any point after the intake meeting.

### **4. Determinations of Applicable Procedures, Dismissals, Transfers and Appeals of Such Determinations**

When a complainant requests an investigation, the Title IX Coordinator or designee will promptly upon receipt of a formal complaint:

- 1) Determine whether the conduct alleged would, if proved, constitute Title IX Sexual Harassment (i.e., Quid Pro Quo Sexual Harassment, Severe, Pervasive and Objectively Offensive Sexual Harassment, Sexual Assault, or Domestic Violence,

Dating Violence or sex-based Stalking) as defined in the Title IX Sexual Harassment definition stated above;

2) Determine whether the conduct allegedly occurred in the College's education program or activity;

3) Determine whether the conduct allegedly occurred in the United States; and 4) Determine whether at the time the formal complaint was made, the complainant was participating or attempting to participate in a College program or activity.

If a formal complaint of conduct that would, if proved, satisfy all four of these elements and constitute Title IX Sexual Harassment as defined in this policy is filed by a complainant or signed by the Title IX Coordinator, it will be investigated and resolved through the procedures applicable to Title IX Sexual Harassment matters as outlined below.

The College will, as noted above, investigate alleged Title IX Sexual Harassment when a complainant submits a formal complaint to the Title IX Coordinator and requests an investigation. The Title IX Coordinator may also choose at their discretion to sign a formal complaint and initiate an investigation, even if the complainant chooses not to do so. Again, in cases where the complainant does not wish to submit a formal complaint but the Title IX Coordinator decides in their discretion to sign a complaint and initiate an investigation and resolution process, the Title IX Coordinator will not be a complainant or otherwise a party to the matter.

If some but not all of the allegations in the complaint satisfy all four of these elements and a formal complaint is received from a complainant or signed by the Title IX Coordinator, the College has the discretion to address the entire matter through the procedures applicable to Title IX Sexual Harassment matters as outlined below, (that is, the College will as required by the May 2020 Title IX regulations follow Title IX Sexual Harassment procedures to address the alleged Title IX Sexual Harassment, and it may choose, to promote efficiency, to follow Title IX Sexual Harassment procedures to address Non-Title IX Prohibited Conduct and other non-Title IX alleged misconduct in such mixed cases, so that all related misconduct may be addressed through one investigation and resolution process). The College will make such decisions in the exercise of its best judgment to promote efficiency, and in accordance with applicable law, regulation, and Department of Education guidance.

If it appears based upon initial review or upon information gathered during an investigation that the matter does not satisfy and/or no longer satisfies all four of these elements, the College will, as required by the May 2020 Title IX regulations, dismiss the matter for purposes of the Title IX Sexual Harassment process, but will transfer it for investigation under the procedures outlined in this section, and for resolution under the Standard of Conduct or People Center resolution processes, as referenced below, as deemed appropriate by the College. Investigation and resolution of a matter that does not fall within

the definition of Title IX Sexual Harassment may be pursued, dismissed altogether, or transferred to another College process, as deemed appropriate in the College's discretion and/or as appropriate under applicable law.

Even if the initial allegations of a matter fall within the definition of Title IX Sexual Harassment, the College may (but is not required to) dismiss a formal complaint or any allegations therein if at any time during the investigation or resolution process:

- A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- The respondent is no longer enrolled at or employed by the College; or
- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

If a formal complaint is dismissed by the College under the circumstances described above, the College will simultaneously provide to the parties written notice (by electronic or other means) of the dismissal and the reasons for the dismissal, and notice of the parties' opportunity to appeal such dismissal through the Title IX Sexual Harassment appeal procedures outlined below.

If the respondent is a student and an employee, the Title IX Coordinator will determine which procedures will apply based upon the facts and circumstances, such as whether the respondent's status as a student or an employee predominates in the context of the

Prohibited Conduct. If a student-employee is found to have engaged in alleged Prohibited Conduct, the student-employee may be subject to sanctions both in connection with their employment, and in connection with their student status, as appropriate.

## **5. Notice**

If the College initiates an investigation of Prohibited Conduct it will provide to the parties a written notice (by electronic or other means) that includes:

- Information about the College's formal and informal resolution processes;
- A statement of the allegations of behavior potentially constituting Prohibited Conduct, including sufficient details known at the time and with sufficient time to prepare a response before any initial post-intake interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Prohibited Conduct, and the date and location of the alleged incident, if known;

- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- Information regarding the College's presumption of good faith reporting and a summary of the College's false information policy;
- Notification that parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
- Notification of existing counseling, health and mental health services available on campus and/or in the community;
- Notification that taking any retaliatory action (directly or through others) against any person because they are involved in the investigation is prohibited and will be considered a separate violation of College policy;
- Notification that the parties may inspect and review evidence during the investigation and resolution process, as provided below;
- The name of the investigator(s), as well as the right to file a written objection within two business day to the investigator(s) based on the grounds of actual bias for or against complainants or respondents generally, actual bias for or against a particular complainant or respondent, or conflict of interest;
- The right to file a written objection within two business days to the Title IX Coordinator, Deputy Coordinator, or designee based on the grounds of actual bias for or against complainants or respondents generally or for or against a particular complainant or respondent, or conflict of interest;
- The right to suggest witnesses and provide evidence to the investigator(s); and
- The right to request accommodations related to the Investigation Process through the Office of Accessibility.

If in the course of an investigation the College decides to investigate allegations about any party that are not included in the notice described above, it will provide notice of the additional allegations to the parties whose identities are known.

## **6. Consolidation of Formal Complaints**

The College may consolidate formal complaints as to allegations of Prohibited Conduct against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of such Prohibited Conduct arise out of the same facts or circumstances. Where a grievance

process involves more than one complainant or more than one respondent, references in this section to the singular “party,” “complainant,” or “respondent” include the plural, as applicable.

## **7. Initial Meeting with Respondent**

The respondent will also receive an invitation to meet with the Title IX Coordinator or designee 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 or designee will 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 Supportive Measures that may be available to the extent applicable, including changes to academic, living, transportation, and/or working situations, and other Supportive Measures described above;
- An overview of the procedural options and processes; and
- The College’s policy prohibiting retaliation.
- The right to request accommodations related to the Investigation Process through the Office of Accessibility.

## **8. Investigation**

The Title IX Coordinator or designee will select an investigator or investigators (referred to here as “investigator” for ease of reference), who will conduct the investigation. The parties will be given notice of the identity of the investigator and an opportunity to object to their appointment, as noted above.

The investigator will conduct an appropriate investigation which may include interviews with the complainant, the respondent, and other persons with information. These interviews may be recorded. As required by the Clery Act, individuals conducting investigations and determination proceedings will receive training annually on the issues related to sexual assault, harassment, sexual misconduct, domestic violence, dating violence, and stalking, and how to conduct an investigation and/or determination process that protects the safety of complainants and promotes accountability.

The complainant and respondent will be afforded the same rights and opportunities throughout the investigation and adjudication process, including the opportunity to recommend witnesses and submit evidence. However, investigation logistics, including

but not limited to the sequence of interviews, the decision to interview particular witnesses, and the decision to allow or consider evidence offered by the parties, are within the discretion of the investigator.

The complainant and respondent will be asked to identify, preserve and submit all evidence pertaining to the matter under investigation, and to identify witnesses they believe may have relevant information to share. The investigator is not required to consider the evidence submitted or interview any particular witness, even if identified by one of the parties. However, in determining whether to interview witnesses or review evidence, the investigator should consider such factors as equity, fairness, thoroughness, and impartial treatment of both parties.

Complainants and respondents are entitled to the same opportunities to have an advisor of their choice present at any interviews, meetings, or proceedings that they are attending related to the investigation process under this policy. The advisor may advise the complainant or respondent privately, but cannot act as a speaking advocate at a meeting. An investigator or other College representative may terminate meetings, and/or proceed with the investigation based on otherwise-available information, if an advisor is disruptive or otherwise refuses to comply with the requirements of this policy.

While each party may have an advisor of choice, they may not compel any specific person to serve as their advisor. The College's faculty and/or staff may be available to serve as advisors, but none are required to do so.

The parties' equal opportunity to present witnesses may include evidence from fact and expert witnesses. Parties are not restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence. Parties whose participation is invited or expected will receive written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

## **9. Preliminary Investigative Report**

Once the investigator has gathered all of the information that they determine should be gathered as an initial matter, they will prepare a preliminary investigative report. The preliminary investigative report will summarize relevant evidence but will not contain any recommendations regarding whether the respondent violated this policy or any other College policy at issue.

The College will provide each party with an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised, including the evidence upon which College does not intend to rely in reaching a determination regarding responsibility and/or which the investigator does not deem relevant, and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion



of the investigation. Such evidence will not include un-redacted privileged records or information that may have been gathered or received during the investigation, absent written consent from the party holding the privilege.

Given the sensitive nature of the information provided, the Title IX Coordinator or designee will provide the information for review in a secure manner (e.g., by providing digital copies of the materials through a protected, “read-only” web portal). Neither the Parties nor their advisors may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate, share, or remove the information provided, and they will be required to execute an agreement confirming that they will not do so. This agreement will cover the final investigative report and final compilation of evidence described below, which will be covered by the same restrictions. An advisor who fails to abide by this policy may be subject to discipline to the extent applicable and/or may be excluded from further participation in the process.

## **10. Review and Response to Preliminary Investigative Report**

The parties may respond to the Preliminary Report; the Parties must submit any response within ten (10) business 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 Investigative Report, or any portion of it. The investigator will consider any written response provided by the parties in preparing the Final Investigative 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 suggesting 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 will prepare the Final Investigative Report. If either (or both) parties request additional investigation, the investigator will review the request(s) in consultation with the Title IX Coordinator or designee. The investigator will conduct the requested additional investigation if the investigator, in consultation with the Title IX Coordinator or designee, determines that the request(s) will assist the investigator in completing the investigation. The investigator and Title IX Coordinator or designee will assess whether investigation of the additional information requires a substantial deviation from the recommended timeframe for completion of the investigation; if so, the Title IX Coordinator or designee will notify the parties in writing with an anticipated revised time frame.

If the investigator conducts additional investigation, the investigator 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 will identify which finding(s) changed); and (3) additional exhibits, to the extent the additional investigation resulted in additional documentary evidence. The investigator will submit the Addendum to the Title IX Coordinator or designee. The Title IX Coordinator or designee may require the investigator to conduct additional investigation before the Addendum is deemed complete.

Once the Title IX Coordinator or designee has agreed that the Addendum is complete, the Title IX Coordinator or designee will provide the Preliminary Investigative Report, any Addendum, and any exhibits to the parties and advisors for review, through a secure information-sharing process, and subject to the same restrictions on duplication, redistribution, etc., as are outlined above. The investigator will then work to prepare the Final Investigative Report, as described below.

## **11. Final Investigative Report**

After considering and addressing as deemed appropriate any written response submitted by either party and/or any additional information addressed in an Addendum, if applicable, or after the 10-business day comment period has lapsed without receiving a written response or responses to the Preliminary Investigative Report, the investigator will prepare a Final Investigative Report. The Final Investigative Report will include the investigator’s non-binding recommendation as to whether the respondent should be found responsible for violating the policy provisions at issue. The investigator’s recommendation will be reached by applying the preponderance of evidence standard, i.e., whether it is more likely than not that the policy was violated. The Final Investigative Report will be reviewed by the Title IX Coordinator before it is issued.

The Final Investigative Report will be provided simultaneously to the parties and their advisors, if any. The Final Investigative Report will fairly summarize relevant evidence and include as exhibits evidentiary materials as deemed appropriate by the investigator. At least 10 business days prior to any hearing that will be held in the case, if applicable, the College will send to each party and the party’s advisor, if any, the Final Investigative Report and exhibits in an electronic format or a hard copy, for their review and written response. Any written response a party wishes to provide must be submitted to the Title IX Coordinator or designee within 10 business days of receiving the Final Investigative Report and exhibits. The Final Investigative Report and the parties’ written responses, if any, will be provided to the hearing officer in advance of any hearing, in cases where a hearing will be held.

## SECTION P: FORMAL POST-INVESTIGATION PROCESS ALTERNATIVES

Once the investigation has been completed, the matter will move to resolution through one of three formal alternative resolution processes, as follows:

1) If any allegations of Prohibited Conduct raised in the matter fall within the definition of Title IX Sexual Harassment, the resolution process will be overseen by the Title IX Coordinator or designee and such allegations will proceed to a live hearing and, if applicable, sanctioning and appeal process as described immediately below.

a) As noted above, if some but not all of the allegations in a complaint satisfy all four of the elements of a Title IX Sexual Harassment matter and a formal complaint is received from a complainant or signed by the Title IX Coordinator, the College may choose to address the entire matter through the procedures applicable to Title IX Sexual Harassment matters as outlined immediately below, including a live hearing (that is, the College will as required by the May 2020 Title IX regulations follow Title IX Sexual Harassment procedures to address the alleged Title IX Sexual Harassment, and it may choose, to promote efficiency, to follow Title IX Sexual Harassment procedures to address non-Title IX Prohibited Conduct and other non-Title IX alleged misconduct in such mixed cases, so that all related misconduct may be addressed through one investigation and resolution process). The College will make such decisions in the exercise of its best judgment to promote efficiency, and in accordance with applicable law, regulation, and Department of Education guidance.

2) If all of the allegations of Prohibited Conduct fall outside of the definition of Title IX Sexual Harassment and the respondent is a student, the post-investigation resolution process will be overseen by the Office of Community Standards. The Associate Director of Community Standards or their designee will review the Final Investigative Report and all related evidence and issue a written determination. If appropriate, the Dean of Students or designee will issue written sanctions. In such cases, these post-investigation procedures will apply exclusively, and the Title IX Sexual Harassment post-investigation hearing, sanction and appeal process described immediately below will not apply.

3) If all of the allegations of Prohibited Conduct fall outside of the definition of Title IX Sexual Harassment and the respondent is an employee, the post-investigation resolution process will be overseen by the People Center. The Vice President of Human Resources, the Vice President of Academic Affairs, or their designee, will review the Final Investigative Report and all related evidence, and issue a written determination. If appropriate, the Vice President of Human Resources, the Vice President of Academic Affairs, or their designee will issue written sanctions. In such cases, these post-investigation procedures will apply exclusively, and the Title IX

Sexual Harassment post-investigation hearing, sanction, and appeal process described immediately below will not apply.

a) As noted above, if the respondent is a student and an employee, the Title IX Coordinator will determine whether Student Conduct or People Center procedures will apply based upon the facts and circumstances, such as whether the respondent's status as a student or an employee predominates in the context of the alleged Prohibited Conduct. If a student-employee is found to have engaged in Prohibited Conduct, the student-employee may be subject to sanctions both in connection with their employment, and in connection with their student status, as appropriate.

## SECTION Q: HEARING PROCESS IN CASES INVOLVING TITLE IX SEXUAL HARASSMENT ALLEGATIONS

### **1. Hearing Officers**

Hearings will be presided over by a hearing officer, who will make the decision as to whether or not the respondent violated the Policy provisions at issue. This decision will be made using the preponderance of the evidence standard, which means that a Policy violation will only be found if the evidence establishes that it is more likely than not that the violation occurred. The hearing officer has broad authority to determine the process timing and conduct of a hearing. For example, the hearing officer will determine the order of presentation, timing and overall duration of the hearing, what information and evidence will be heard, what information and questions are relevant to the determination of the matter, and what cross-examination questions will or will not be permitted.

Hearing officers will be appointed by the Title IX Coordinator. In selecting a hearing officer for a particular matter, the Title IX Coordinator will take care to select an individual who does not have a conflict of interest or actual bias against complainants or respondents generally or an individual complainant or respondent. The College will notify the parties of the identity of the hearing officer in advance of the hearing, and parties may, within 3 business days of such notice, object to the service of the hearing officer by providing a written statement (which may be transmitted electronically) as to why the party believes that the hearing officer has a conflict of interest or bias. The Title IX Coordinator or designee will make decisions regarding such objections and the appointment of an alternate hearing officer, as necessary.

### **2. Advisors**

Each party may have an advisor of their choice present at a hearing for the limited purpose of conducting cross-examination on behalf of that party. Advisors may be, but are not required to be, attorneys. If a party does not have an advisor of their choice present at a hearing, the College will without fee or charge to the party provide an advisor of the College's choice, again for the limited purpose of conducting cross-examination

on behalf of that party. No later than 10 business days before the hearing, parties should inform the Title IX Coordinator of the identity of any advisor of choice who will accompany them to the hearing, so that the College will know whether or not it needs to arrange for the presence of a College-provided advisor.

At a time and manner deemed appropriate by the hearing officer, the advisor for each party will be permitted to ask the other party and any witnesses all relevant cross-examination questions and follow-up questions, including those challenging credibility. Except for that limited role, advisors may not participate actively in the hearing and may not speak or otherwise communicate on the part of the party that the advisor is advising. However, the advisor may consult privately in a non-disruptive manner with their advisee during and/or at a recess in the hearing. Scheduling accommodations generally will not be made for advisors if they unduly delay the process. The College reserves the right to take appropriate action regarding any advisor who disrupts the process, or who does not abide by the restrictions on their participation as determined in the sole discretion of the hearing officer, which may include exclusion of the advisor from the hearing and the appointment of an alternate College-provided advisor.

### **3. Requests for Appearance of Witnesses**

If a party wishes to have an individual appear at the hearing as a witness, they must provide notice of the identity of the proposed witness and a brief description of the subject matter of the witnesses' testimony to the Title IX Coordinator or designee at least ten (10) business days before the date of the hearing. The Title IX Coordinator or designee, in consultation with the hearing officer as necessary, will determine whether the witness is likely to have information that is relevant to the hearing, and if it is determined that the witness is likely to have relevant information, the Title IX Coordinator or designee will inform the witness that their presence at the hearing is requested. Witnesses are not required to attend the hearing.

### **4. Conduct of Hearings and Relevance**

At or before the hearing, the hearing officer will receive a copy of the Final Investigative Report, any attachments thereto, and copies of the parties' written responses to the Final Investigative Report, if any, which will be part of the information of record to be considered by the hearing officer. The recommendation regarding responsibility made by the investigator in the Final Investigative Report is only advisory and is not binding on the hearing officer; the hearing officer will make an independent determination regarding responsibility based upon the investigative report, evidence admitted at the hearing, and the testimony and cross-examination of parties and witnesses at the hearing, as applicable.

Ordinarily, new evidence may not be introduced during the hearing. If there is a request to introduce new evidence, the hearing officer will determine in their discretion (considering factors such as, but not limited to, whether the evidence was

reasonably available to the party during the investigation, the apparent materiality and relevance of the evidence, and prejudice to the other party and delay that could follow from introduction of the new evidence), and will determine whether to allow the evidence to be introduced, to exclude the new evidence, or to suspend the hearing and require further investigation regarding the new evidence.

Subject to the discretion of the hearing officer, hearings will ordinarily begin with introductory remarks by the hearing officer, followed by opening statements from any party who wishes to provide one, followed by the hearing officer's asking relevant initial questions of the parties as deemed appropriate by the hearing officer. During this portion of the hearing, advisors may confer privately and in a non-disruptive manner with their advisee, but they are not allowed to make opening statements or otherwise address the hearing officer or anyone else present at the hearing.

After the hearing officer has asked their initial questions of the parties, the hearing officer will permit each party's advisor to ask the other party all relevant questions and follow-up questions, including those challenging credibility.

Subject to the discretion of the hearing officer, questioning of witnesses will generally follow a similar process, whereby the hearing officer will pose relevant questions to each witness, then the parties' advisors will be permitted to ask relevant questions of witnesses.

In accordance with May 2020 Title IX regulations, such cross-examination by advisors will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the hearing officer will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Advisors are not permitted to object to hearing officer decisions regarding relevance during a hearing.

Regarding the evidence subject to inspection and review that was provided to the parties and their advisors under the investigation procedures outlined above, a copy of such evidence will be made available at the hearing, and each party and/or their advisor (as applicable) will have an equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence

concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Information protected under a legally recognized privilege (such as, for example, privileged communications between a party and their physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a treatment capacity, or privileged communications between a party and their attorney), is not relevant unless the person holding the privilege has waived the privilege.

At the request of either party, the College will provide for the hearing to occur with the parties located in separate rooms with technology enabling the hearing officer and parties to simultaneously see and hear the party or the witness answering questions. Live hearings may be conducted with all parties physically present in the same geographic location or, at the College's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

Formal rules of evidence do not apply to hearings conducted by the College. The hearing officer may at their discretion consider statements of a party or witness made before or at a hearing and/or other information, and give the weight to such information as they determine is appropriate under the circumstances, regardless of whether the party or witness appears at or answers some or all cross-examination questions at a hearing. Hearing officers will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

## **5. Record of Hearings**

The College will create an audio or audiovisual recording and/or transcript, of any live hearing, and will make it available to the parties for inspection and review.

## **6. Determinations Regarding Responsibility**

Within ten (10) business days after the hearing, the hearing officer (and if necessary the sanctioning officer, as provided below) will prepare and issue a written determination regarding responsibility and sanctions. In determining responsibility, the hearing officer will apply the preponderance of the evidence standard. The written determination will include:

- Identification of the section(s) of the College's Title IX Sexual Harassment policy alleged to have been violated;
- A description of the procedural steps taken from the receipt of the complaint through the determination, including but not limited to, as applicable, any

notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

- Findings of fact supporting the determination;
- Conclusions regarding the application of definitions of sexual harassment in the College's Title IX Sexual Harassment Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility and, where necessary and in collaboration with the sanctioning officer, a statement regarding any sanctions and the rationale therefor; and
- Identification of the College's procedures and permissible bases for the complainant and respondent to appeal (as outlined below).

The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.

The determination will also notify the parties whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the complainant, but will not provide details about any such remedies.

If sanctions are necessary, they will be assigned in accordance with the Sanctions section below. The parties will receive notice simultaneously of the written determination regarding responsibility and, if necessary, any sanctions as determined through the procedures outlined below.

#### SECTION R: SANCTIONS IN CASES INVOLVING TITLE IX SEXUAL HARASSMENT ALLEGATIONS

If the respondent is found responsible for one or more violations of this Policy (and/or other College policies, in mixed Title IX Sexual Harassment/other policy violation cases), the College will issue sanctions commensurate with the violation(s).

In cases where the respondent is a student, the Dean of Students or designee will issue final sanctions. In cases where the respondent is a faculty member, the Vice President of Academic Affairs, Vice President of Human Resources, or designee will issue final sanctions. In cases where the respondent is an employee, the Vice President of Human Resources or designee will issue final sanctions.



Remedies or sanctions for violations of the College's Sexual Misconduct Policy 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;
- referral to another College process as necessary to determine employment status-related issues; 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.

As noted above, the College's decision on any sanctions and an explanation of the rationale therefore will be documented in the written determination. Thus, in cases where the hearing officer determines that the respondent is responsible for a policy

violation, the hearing officer and the sanctioning officer will work together to prepare a single written determination document that will contain all of the information listed above, as applicable. Such written determination will be provided simultaneously to both parties.

## **Supportive Measures**

Non-disciplinary supportive measures such as no-contact orders may be enacted or continued even in cases in which the respondent is not found responsible for a policy violation.

### **SECTION S: APPEALS IN CASES INVOLVING ALLEGATIONS OF SEXUAL MISCONDUCT**

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 Title IX Coordinator. An

appeal of any decision must be received within ten (10) business days after the parties have been informed of the decision. Appeals are heard by an appeal officer.

Parties may appeal either:

1. The Title IX Coordinator's dismissal of a formal complaint for Title IX purposes, or 2. A determination regarding responsibility and/or sanctions, if applicable, on the grounds that:

**a.** there was a procedural error that unfairly affected the outcome; **b.** there is new information that was not reasonably available during the investigation and resolution process that would have affected the outcome;

**b.** The Title IX Coordinator, investigator, or decision-maker(s) had a conflict of interest or actual bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; or

**c.** the sanctions imposed are disproportionate to the nature and severity of the offense.

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 to demonstrate that either the alleged procedural error, the proposed new evidence, or the alleged bias/conflict of interest affected the outcome of the proceeding, or that the sanctions imposed are disproportionate to the nature and severity of the offense.

The party who submits the written appeal will be the "appellant," and the other party will be the "appellee." The appellee will have five (5) business days to submit a response to the written appeal. At the conclusion of these time periods, the Title IX Coordinator will refer the written appeal, the Final Investigative Report, any exhibits admitted at the

hearing, a recording of the live hearing, and the written determination (the “Appeal Record”), to an appeal officer.

The Title IX Coordinator or designee will appoint the appeal officer and will notify both parties of that appointment. Both parties will have two (2) business days to object to the appeal officer’s selection on the basis of actual bias for or against complainants or respondents generally or a particular complainant or respondent, or conflict of interest. If the Title IX Coordinator determines that an appeal officer may have actual bias or conflict of interest, the Title IX Coordinator will remove the appeal officer and designate a new appeal officer. This process can be repeated as necessary.

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 Title IX Coordinator or designee 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 affected the outcome, the appeal officer may return the matter to the investigator or the hearing officer with instructions to correct the error, and to reconsider the findings as appropriate, or to take other action as deemed appropriate.

***New Information:*** If the appeal officer determines that new information should be considered, the matter will be returned to the investigator if additional investigation is needed. The investigator(s) will prepare an Addendum to the Final Investigative Report and provide the parties with an opportunity to respond to the Addendum consistent with the opportunity to do so in accordance with the procedures outlined above. An additional hearing will be conducted as deemed necessary, focused on the new information only.

***Bias or Conflict of Interest:*** If the appeal officer determines that there was actual bias or conflict of interest on the part of the investigator that affected the outcome, the appeal officer may order a new investigation with a new investigator, and a new resolution process or live hearing as appropriate. If the Appeal Officer determines that there was actual bias or conflict of interest on the part of the hearing officer that affected the outcome, the appeal officer may order a new resolution process or live hearing as appropriate.

***Sanctions:*** If the appeal officer determines the sanctions imposed are disproportionate to the nature and severity of the offense, the appeal officer in conjunction with the appropriate Vice President may modify the sanctions.

## **Notification of Appeal Outcome**

The appellant and the appellee will be notified simultaneously in writing of the outcome of the appeal. The appeal officer's decisions are final and are not subject to appeal.

## **SECTION T: ADDITIONAL PROVISIONS REGARDING FORMAL RESOLUTION OF ALLEGATIONS OF PROHIBITED CONDUCT**

### **1. Additional Charges**

The College reserves the right to charge parties with additional violations of the Sexual Misconduct Policy as appropriate based on new information that is provided during the course of the investigation.

### **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. Applicable training materials will be posted on the College's web site as required by May 2020 Title IX regulations. 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 Title IX Coordinator or designee will make reasonable efforts to ensure that the complainant and the respondent are notified simultaneously 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 Title IX Coordinator or designee.

### **4. Modification of Investigation and Resolution Process**

The College will follow the investigation and resolution 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), in accordance with applicable law, 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**

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, including witnesses, 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. 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. 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 and replace them with another advisor.

## **8. Nature of Proceedings**

Proceedings conducted under these procedures are entirely administrative in nature and are not considered legal proceedings, but rather are procedures designed to address College policy violations. Neither party may audio nor video record the proceedings.

## **9. 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 any determination regarding responsibility is 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 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 pending and was suspended because of the withdrawal. The investigation and resolution process will resume if and when the student seeks readmission or re-enrollment.

## **10. Records**

The Title IX Coordinator and the Office of Community Standards will retain records of all reports, regardless of whether the matter is resolved by means of the formal investigation and resolution process. Complaints that are not resolved by means of an informal or formal resolution are not part of a student's conduct file or academic record.

Findings of responsibility in matters resolved through the investigation and formal 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. 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 Office of the Provost & Academic Affairs, the People Center and/or the Division of Student Affairs, and records pertaining to cases involving non-faculty employees will be maintained by the People Center and/or the Division of Student Affairs.

The College will maintain records as required by the May 2020 Title IX regulations.

## **11. Accommodations**

Parties in need of reasonable accommodations throughout the investigation and resolution processes may notify the Office of Accessibility. The Title IX Coordinator or designee will work with the Office of Accessibility to provide appropriate accommodations.

### SECTION U: INFORMAL RESOLUTION PROCEDURES

#### **1. Informal Resolution of Matters That Involve Allegations of Title IX Sexual Harassment**

Informal resolution is a voluntary resolution option that does not involve formal hearing-based resolution procedures. Informal resolution may be used in Title IX Sexual Harassment matters in which a formal complaint has been filed by a complainant or signed by the Title IX Coordinator.

At any time prior to reaching a determination regarding responsibility, the College may facilitate an informal resolution process (e.g., mediation or restorative justice) where requested by a party and agreed to by both parties. If a party requests the initiation of an informal resolution process and the Title IX Coordinator agrees that the matter is

appropriate for informal resolution, the College will provide to each party a written notice that discloses:

- 1) The allegations;
- 2) The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations;
  - a) As noted below, the College generally permits parties to withdraw from the informal resolution process and initiate or re-initiate a formal investigation and hearing process at any time before the informal resolution process is completed and any informal resolution is agreed to in writing by the parties; and
- 3) Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

All parties and the Title IX Coordinator must agree to informal resolution for this option to be used. The Title IX Coordinator will assess the request for informal resolution in light of factors such as, but not limited to, the severity of the alleged violation and the potential risks to campus community members posed by the reported misconduct. The College will only proceed with an informal resolution process if both parties provide their voluntary, written consent to having the matter resolved through the informal resolution process.

The matter will be deemed resolved if and when the parties expressly agree in writing to an outcome that is acceptable to them and which is approved by the Title IX Coordinator (in consultation with other College administrators as deemed necessary). A party may withdraw from the informal resolution process at any time prior to their execution of a written informal resolution agreement. After an informal resolution is agreed to in writing between the parties, neither party may initiate a formal resolution process regarding the same factual allegations.

At any time before a matter is resolved through informal resolution, the Title IX Coordinator may terminate an informal resolution process and initiate or re-initiate a formal investigation and resolution process, as they deem appropriate in their discretion.

## **2. Informal Resolution of Non-Title IX Prohibited Conduct and Other Cases**

Informal resolution may also be used in non-Title IX Prohibited Conduct cases that do not involve allegations of Title IX Sexual Harassment and/or other alleged policy violations, whether or not a formal complaint has been filed by a complainant or signed by the Title IX Coordinator, as deemed appropriate by the Title IX Coordinator, the Office of Community Standards, and/or the People Center, as appropriate. The procedures for such informal resolutions will be determined at the discretion of the Title IX Coordinator,

the Office of Community Standards, and/or the People Center, with agreement of the parties, as appropriate.

The College will not offer to facilitate, and will not utilize, an informal resolution process in any case involving allegations that a College employee sexually harassed a student.

### College Policy on Alcohol and Drugs

Champlain College strives to create an academically focused learning community that promotes the health and safety of all students. Additionally, the College fully supports federal, state and local laws pertaining to drugs and alcohol. The College therefore prohibits student manufacture, distribution, dispensation, possession and use of alcohol, cannabis, controlled substances, cannabis and/or drug paraphernalia or legal substances with psychoactive compounds in all College-operated properties. No student, regardless of age, is permitted to possess, consume, manufacture or distribute alcohol in any College-operated properties or at off-campus College-sponsored events, except at special non-student functions or when authorized by a specific College official. Students studying abroad are required to abide by all local laws and by the policies of the host campus. Students residing in off-campus apartments are required to abide by all local, state and federal laws pertaining to alcohol, cannabis, and other drugs. Champlain College will respond to reports of off-campus behavior from community members and local law enforcement.

Consistent with the mission of the College, the primary purpose of Champlain College's Alcohol, Cannabis, and other Drugs Policy is informational and educational. The College is committed to increasing student awareness and knowledge of the issues surrounding drug and alcohol use and abuse, particularly those issues involving health and well-being. Toward this end, the College sponsors educational programs on campus and provides training opportunities for students. Materials regarding the health effects of alcohol and other drugs may be obtained through the counselors or Health Services. Counselors are available to speak to students who are concerned about their alcohol, cannabis, or drug use. These students may refer themselves to counselors or may be referred to counselors by any member of the College community. All counseling sessions are confidential. Counselors will work with students to assess each individual's substance use and refer them to appropriate agencies and rehabilitation programs as needed. In addition, counselors may facilitate support groups focusing on any issues related to drug and alcohol use. Faculty, staff and students should intervene as appropriate when observing violations of the Alcohol, Cannabis, and other Drug Policy. In addition, Housing & Residential Life staff respond in any residential area, including student rooms, when there is suspicion of violations of the Alcohol, Cannabis, and other Drug Policy or when behavior infringes on the rights of others or may affect the health and safety of members of the community. Behaviors inconsistent with this policy will be documented and will result in follow-up through the student conduct process.

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 Housing & Residential Life staff (student RA or other Housing & Residential Life professional).

More specific information regarding the Good Samaritan Statement can be found further in this section of the catalog.

## **Definitions**

**Alcohol:** any beverage containing not less than 0.5% alcohol by weight  
**Common Source of Alcohol:** 12-pack or more of beer, 1 bottle of wine or liquor  
**Cannabis:** the parts, products, and non-Hemp derivatives of the plant *Cannabis sativa*, *Indica*, *ruderalis* and hybrid strains, including Medical Marijuana, irrespective of state law to the contrary. Cannabis is a Schedule I substance under the Controlled Substances Act and, as such, is illegal under Federal law. Possession and/or use are prohibited on College property and in College activities.  
**Common Source of Cannabis and/or other Drugs:** any amount constituting more than one-time use  
**Illicit Drug:** controlled substances and analogs as defined by Federal and state law. This includes legal substances with psychoactive properties  
**Possession:** determined by control over a substance or object with or without regard to ownership.  
**Property:** any space or facility owned, leased or controlled by Champlain College.

## **Alcohol**

Consistent with the College's goal of providing a safe and healthy campus community, the following behaviors are prohibited:

Possessing and/or consuming alcohol at Champlain College, even if the student is 21 years of age or older. If under the age of 21, the possession or consumption of alcohol is prohibited by Vermont state law. Selling or furnishing alcohol to a minor is a crime in the State of Vermont and students may be reported to the appropriate authorities. College staff will request that students open refrigerators or other potential storage areas in situations where evidence suggests they are in possession of alcohol. Students are required to comply with this request because of the risk of large amounts of alcohol possibly being present in the room. If students do not comply, staff will be expected to open these storage areas.

Demonstrating visible intoxication anywhere on campus or at College-sponsored events. In extreme cases of intoxication, the College has the right to request transport, via the local police department, to ACT 1, UVM Medical Center or any other location deemed appropriate for purposes of detoxifying the student. Being present in a room with alcohol or drugs. This may lead to student conduct sanctions. College staff cannot always determine those using alcohol or drugs at a particular event; therefore, all those present will be documented on an incident report. Creating, offering or engaging in drinking games/activities and other behaviors designed for the purpose of becoming intoxicated through the abusive use of alcohol.

Possessing a "common source" of alcohol. Possessing this quantity of alcohol indicates intent to distribute and share it among peers. Having a common source of alcohol is deemed a serious

offense by Champlain College. Possessing empty boxes, bottles, cans, caps, labels, etc., of beer, wine or liquor, either as garbage, as decoration or for any other purpose. Displaying posters or decorations advertising or promoting alcohol in public areas, including hallways, door exteriors, windows, lounges, etc.

## **Drugs**

Consistent with the College's goal of providing a safe and healthy campus, the following behaviors are prohibited: Sale, use, distribution or possession of any controlled substance, including psychoactive or illicit drugs. Controlled substances include, but are not limited to, cannabis, prescription drugs intended for recreational use, cocaine, heroin, opium, mescaline, Ecstasy, hallucinogenic mushrooms, Xanax and acid/LSD. The College prohibits the use or possession of legal substances with psychoactive properties. A College staff member may refer individuals in violation of this policy to a law enforcement agency. All drugs will be confiscated and may be destroyed. This includes medical cannabis prescriptions. Cannabis is a Schedule I substance under the Controlled Substances Act and, as such, is illegal under Federal law.

Possessing a "common source" of cannabis and/or other drugs. A common source of cannabis and/or other drugs is an amount that implies intent to distribute or share. Possessing prescription medication without appropriate prescription or packaging. Possessing cannabis and/or drug paraphernalia. This includes equipment that can be used for legal or illegal substances. All paraphernalia will be confiscated and may be destroyed. Residual evidence of cannabis and/or drug use is prohibited. This includes the smell of cannabis, stems and seeds. Being present in a room with alcohol, cannabis, or other drugs may lead to student conduct sanctions. College staff cannot always determine those using alcohol, cannabis, or other drugs at a particular event; therefore, all those present will be documented on an incident report. Displaying of posters or decorations indicating cannabis and/or drug use in public areas, including hallways, door exteriors, windows, lounges, etc. The smoking of cigarettes inside any College building or parking garage. Ashtrays with cigarette butts and ashes imply that cigarettes were smoked in the room, and the student's use will be documented.

## **Health Effects of Other Drugs- Alcohol**

The excessive use of alcohol poses significant health risks to individuals, including addiction, permanent injury and death. According to the National Institute on Alcohol Abuse and Alcoholism, alcohol use is the chief contributor to the leading causes of death each year for people under age 21, including: Death: 1,825 college students between the ages of 18 and 24 die each year from alcohol-related unintentional injuries, including motor vehicle crashes (Hingson et al., 2009). Injury: 599,000 students between the ages of 18 and 24 are unintentionally injured under the influence of alcohol (Hingson et al., 2009).

Assault: another student who has been drinking (Hingson et al., 2009) assaults more than 696,000 students between the ages of 18 and 24.

Sexual Assault: More than 97,000 students between the ages of 18 and 24 are the victims of alcohol related sexual assault (Hingson, et al., 2005).

**Academic Problems:** About 25 percent of college students report negative academic consequences of their drinking, including missing class, falling behind, doing poorly on exams or papers, and receiving lower grades overall (Engs et al., 1996; Presley et al., 1996a, 1996b; Wechsler et al., 2002).

**Health Problems/Suicide Attempts:** More than 150,000 students develop an alcohol-related health problem (Hingson et al., 2002), and between 1.2 and 1.5 percent of students indicate that they tried to commit suicide within the past year due to drinking or drug use (Presley et al., 1998).

**Property Damage:** More than 25 percent of administrators from schools with high drinking levels say their campuses have a “moderate” or “major” problem with alcohol-related property damage (Wechsler et al., 1995).

**Police Involvement:** About 5 percent of four-year college students are involved with the police or campus security as a result of their drinking (Wechsler et al., 2002), and an estimated 110,000 students between the ages of 18 and 24 are arrested for an alcohol-related violation such as public drunkenness or driving under the influence.

Alcohol is a depressant that slows down the central nervous system and: Slows reactions and impairs coordination (contributes to auto accidents) Impairs judgment, causes confusion and memory loss, Increases the risk of hypothermia

In addition:

Use during pregnancy can cause brain damage to the fetus. Alcohol is frequently used to facilitate sexual assault. Overdosing on alcohol (alcohol poisoning) or using alcohol with other drugs can cause coma or death from respiratory arrest.

**Signs of Alcohol Poisoning:** Someone experiencing alcohol poisoning may show these signs: cannot stand up, is nonresponsive, has clammy skin, will not wake up, or has purplish skin. If you witness any of these symptoms, call 911 and Campus Public Safety at (802) 865-6465. Do not let friends “Sleep it Off.” Blood alcohol level continues to rise even when someone is asleep, which puts your friend at risk.

## **Cannabis and Other Drugs**

Cannabis, the most commonly abused drug in the United States (National Institute of Drug Abuse data, <http://www.drugabuse.gov/infofacts/marijuana.html>), is a drug with the active ingredient of tetrahydrocannabinol (THC). THC acts upon specific sites in the brain and can impair judgment, short-term memory and coordination, and may increase the risk of developing cancer. Long-term use can lead to addiction and can have negative effects on the heart, lungs and activities of daily living. Additionally, cannabis use can increase anxiety, heart rate, and likelihood of panic attacks. When combined with alcohol, cannabis can contribute to alcohol poisoning.

Synthetic cannabis is a psychoactive herbal and chemical product that, when consumed, allegedly mimics the effects of cannabis. It is best known by the brand names K2 and Spice. Though its effects are not well documented, extremely large doses may cause negative effects

that are in general not noted in cannabis users, such as increased agitation and vomiting. Synthetic cannabis is associated with acute psychosis, worsening of previously stable psychotic disorders, and also may have the ability to trigger a chronic (long-term) psychotic disorder among vulnerable individuals such as those with a family history of mental illness.

Cocaine is a highly addictive, powerful central nervous system stimulant. Persons using cocaine can be restless, irritable, depressed, anxious or paranoid. Effects include constricted blood vessels, increased heart rate and increased blood pressure, which can cause heart attack, respiratory failure, stroke or seizure. Repeat cocaine users report the drug does not provide the positive effects they first felt, so they use more of the drug more often to get those effects. Using more increases negative consequences.

Heroin is a highly addictive depressant; it impairs coordination and causes extreme sedation. Acute symptoms of withdrawal are flu-like symptoms, including nausea, diarrhea and muscle cramps. Overdoses can cause slow, shallow breathing; convulsions; coma and death.

Methamphetamine (Meth) is an addictive stimulant that strongly activates certain systems in the brain. Methamphetamine can be taken orally, injected, snorted, or smoked. Chronic use can cause paranoia, hallucinations, repetitive behavior and delusions of parasites or insects crawling under the skin. Long-term use, high dosages, or both can bring on full-blown toxic psychosis (often exhibited as violent, aggressive behavior). This violent, aggressive behavior is usually coupled with extreme paranoia. Methamphetamine use can also cause strokes and death.

### **Club Drugs/Hallucinogens**

Club drug is a term that refers to a variety of drugs including MDMA (Ecstasy), GHB, Rohypnol, ketamine and LSD. Because these drugs can be contaminated by any number of additives and are manufactured in different ways, it can be difficult to predict with certainty all consequences and toxic levels of the drug.

Ecstasy (MDMA) is a stimulant with a hallucinogen. Research has shown that Ecstasy use causes long-term brain damage. The effects are varied and include dehydration. Due to rapid increases in body temperature, blood pressure and heart rate, Ecstasy users can die from dehydration.

Ketamine is a dissociative anesthetic with a similar chemical structure and mechanism of action to those of PCP. Ketamine impairs attention, learning ability and memory.

LSD is a hallucinogen that can have unpredictable effects. Some users have symptoms similar to schizophrenia or depression that persist after they use LSD. Without using the drug again, some users have “flashbacks” and relive experiences that occurred while using LSD.

MDPV (Bath Salts) is a psychoactive drug with stimulant properties. MDPV has been reported to produce effects similar to cocaine and amphetamines. Physiological and psychological effects include high blood pressure, insomnia, kidney pain, breathing difficulty, severe paranoia, extreme anxiety, suicidal thoughts/actions, and agitation. Incidents of extreme physical violence have been attributed to MDPV use.

## Prescriptions and Over-the-counter Drugs

Painkillers (e.g., Codeine, OxyContin, Percocet and Vicodin): These are opioids, or narcotics. Taking a large single dose of prescription pain relievers can cause nausea, sedation, dizziness, vomiting, headache or severe respiratory depression that can lead to death. Use of prescription pain relievers with other substances that depress the central nervous system, such as alcohol, antihistamines, barbiturates, benzodiazepines, or general anesthetics, increases the risk of life-threatening respiratory depression.

Sedatives and Tranquilizers (e.g., Quaaludes, Xanax, Valium, benzodiazepines): Prescription medications that act as central nervous system depressants. Combining sedatives and tranquilizers with other substances greatly raises the risk of serious medical consequences. Using prescription sedatives and tranquilizers with other substances-particularly alcohol-can slow breathing, or slow both the heart and respiration, and possibly lead to death. Barbiturates are prescription sedatives or “sleeping pills” and benzodiazepines are prescription “tranquilizers” which cause impairment of memory, judgment and coordination; irritability; paranoia and suicidal ideation. Some people experience a paradoxical reaction to these drugs and can become agitated or aggressive.

Stimulants (e.g., Adderall, Dexedrine, Ritalin): A class of drugs that enhance brain activity. Taking high doses of some stimulants repeatedly over a short time can lead to feelings of hostility or paranoia. Additionally, taking high doses of a stimulant may result in dangerously high body temperatures and an irregular heartbeat. There is also the potential for cardiovascular failure (heart attack) or lethal seizures.

## Definitions of Crime and Statistics

**Statistics:** Federal Law requires colleges and universities to publish reports containing campus crime statistics. Amendments made to the Clery Act in 2009 and 2013 altered the law’s reporting requirements, expanding the list of reportable offenses and creating new reporting categories. Statistics in this Annual Campus Public Safety Report reflect the expanded scope of those amendments, as required by law.

An incident qualifies as a reported crime and is included in the College’s disclosure of campus crime statistics when it meets one of the following definitions:

Note: these are the definitions that will be used for purposes of counting crimes for inclusion in the annual statistical disclosure.

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

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

**Murder and Non-negligent Manslaughter:** The willful (non- negligent) killing of one human being by another.

**Hate Crime:** A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

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

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

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes offenses that are classified by local law enforcement agencies as burglary, unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.

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

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

**Liquor Law Violations:** The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

**Dating violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. (i) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. (ii) For the purposes of this definition—(A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. (B) Dating violence does not include acts covered under the definition of domestic violence.

**Domestic violence:** A felony or misdemeanor crime of violence committed—(A) By a current or former spouse or intimate partner of the victim; (B) By a person with whom the victim shares a child in common; (C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

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

**Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

**Sexual Assault (Sex Offenses):** Any sexual act directed against another person, without the consent of the victim, including where the victim is incapable of giving consent. This includes rape, fondling, incest, and statutory rape as they are defined above.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to— (A) Fear for the person's safety or the safety of others; or (B) Suffer substantial emotional distress. For the purposes of this definition—(A) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. (B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. (C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Jeanne Clery Disclosure of Campus Crime Statistics for [Burlington, VT](#)

Offense	Year	On Campus Property	Residential Facilities	Non Campus Property	Adjacent Public Property
Murder/Non-Negligent Manslaughter	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Negligent Manslaughter	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Rape	2020	0	0	0	0
	2021	1	1	0	0
	2022	2	2	0	0
Statutory Rape	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Incest	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Fondling	2020	0	0	0	0
	2021	2	2	0	0
	2022	2	2	0	0
Robbery	2020	0	0	0	0
	2021	0	0	0	0
	2022	1	0	0	0
Aggravated Assault	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Burglary	2020	7	1	0	0
	2021	2	2	0	0
	2022	1	1	0	0
Motor Vehicle Theft	2020	0	0	0	2
	2021	0	0	0	0
	2022	0	0	0	1
Arson	2020	0	0	0	0
	2021	0	0	0	0
	2022	1	1	0	0
Liquor Law Arrests	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2020	28	28	0	0
	2021	20	20	0	0
	2022	51	51	0	0
Drug Law Arrests	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Drug law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2021	2	1	0	0
	2022	2	2	0	0
Illegal Weapons Poss. Arrest Illegal Weapon Possession Arrests	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0



Illegal Weapons Possession Violations Referred for Disciplinary Action	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Hate Crimes	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
(VAWA) Domestic Violence	2020	1	1	0	0
	2021	0	0	0	0
	2022	0	0	0	0
(VAWA) Dating Violence	2020	0	0	0	0
	2021	1	1	0	0
	2022	2	2	0	0
(VAWA) Stalking	2020	0	0	0	0
	2021	0	0	0	0
	2022	2	2	0	0

Jeanne Clery Disclosure of Campus Crime Statistics for [Dublin, Ireland](#)

Offense	Year	On Campus Property	Residential Facilities	Non Campus Property	Adjacent Public Property
Murder/Non-Negligent Manslaughter	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Negligent Manslaughter	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Rape	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Statutory Rape	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Incest	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Fondling	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Robbery	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Aggravated Assault	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Burglary	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Motor Vehicle Theft	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Arson	2020	0	0	0	0
	2021	0	0	0	0

	<b>2022</b>	0	0	0	0
Liquor Law Arrests	<b>2020</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	<b>2020</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
Drug Law Arrests	<b>2020</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
Drug law Violations Referred for Disciplinary Action	<b>2020</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
Illegal Weapon Possession Arrests	<b>2020</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
Illegal Weapons Possession Violations Referred for Disciplinary Action	<b>2020</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
Hate Crimes	<b>2020</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
(VAWA) Domestic Violence	<b>2020</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
(VAWA) Dating Violence	<b>2020</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
(VAWA) Domestic Violence	<b>2020</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
(VAWA) Stalking	<b>2020</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2022</b>	0	0	0	0

Jeanne Clery Disclosure of Campus Crime Statistics for **Montreal, Quebec**

<b>Offense</b>	<b>Year</b>	<b>On Campus Property</b>	<b>Residential Facilities</b>	<b>Non Campus Property</b>	<b>Adjacent Public Property</b>
Murder/Non-Negligent Manslaughter	<b>2020</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
Negligent Manslaughter	<b>2020</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
Rape	<b>2020</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2022</b>	0	0	0	0
Statutory Rape	<b>2020</b>	0	0	0	0
	<b>2021</b>	0	0	0	0
	<b>2022</b>	0	0	0	0

Incest	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Fondling	2020	0	0	1	0
	2021	0	0	0	0
	2022	0	0	0	0
Robbery	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Aggravated Assault	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Burglary	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Motor Vehicle Theft	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Arson	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Liquor Law Arrests	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Drug Law Arrests	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Drug law Violations Referred for Disciplinary Action	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Illegal Weapon Possession Arrests	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Illegal Weapons Possession Violations Referred for Disciplinary Action	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Hate Crimes	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
(VAWA) Domestic Violence	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
(VAWA) Dating Violence	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
(VAWA) Domestic Violence	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
(VAWA) Stalking	2020	0	0	0	0
	2021	0	0	0	0

## Fire Safety in Residence Halls

Each year Campus Public Safety conducts (1) one unannounced fire drill per each on-campus housing facility. Students are timed on their egress with a goal of two minutes or less to exit the building. Each building is summarily searched during the exercise to ensure complete evacuation has occurred. Those who have not evacuated are counseled and a subsequent drill is conducted. Students living in on-campus housing facilities receive education and training during new student orientation, from Campus Public Safety personnel, in regards to fire safety.

All campus affiliates are given instructions during their Campus Public Safety orientation training and told to report all fires immediately by dialing 911. Affiliates are educated about fire safety inspections, are given lists of prohibited items and told about the College's right to search buildings for fire hazards. All reports of fires are forwarded to Campus Public Safety for documentation.

The College smoking policy prohibits indoor smoking in all College buildings. As of September 2012, outdoor smoking is banned on central campus (Aiken Lawn and the Rozendaal Courtyard) and within 25 feet of all entries, outdoor air intakes and operable windows from 7 a.m. to 7 p.m. Outdoor smoking is also banned outside of all residence halls within 25 feet of all entries, outdoor air intakes, and operable windows at all times. This includes the third-floor patio of the library.

The campus has a smoking gazebo located on the lawn next to Aiken Hall which is a designated smoking spot on campus. If you need to smoke while visiting our campus, please ask where the gazebo is if you can't find it.

- The College reserves the right to inspect a room at any time, and reserves the right to immediately remove all health or safety hazards. Hazards include the following:
  - Candles, incense and open flames are not permitted in any residence.
  - Cooking is not permitted in the residence halls outside of designated kitchen areas. Cooking appliances, including portable electric cooking appliances, in student's rooms constitute a fire hazard and, if found, will be removed by the staff. This includes all types of coffee makers.
  - Grills are not permitted at any residence hall except at College approved outdoor events.
  - Sunlamps, immersion coils and extension cords are not permitted. Power strips are permitted provided they have an internal safety breaker feature.
  - Students may decorate their rooms and residence halls, but live greens are not permitted and only UL-approved lights may be used. Lights may not be draped in

doorways or hung from the ceiling or fire safety equipment, and they may not be used anywhere near fabric or paper decorations.

- The College reserves the right to remove any decorations that present a fire hazard. Extra furniture that presents a safety hazard may be removed by the College.
- All exits are to be kept free of obstructions.
- All fire escapes, extinguishers, alarms and carbon monoxide detectors are for use in emergencies and in supervised fire drills only. Their use for other purposes is a serious violation of College regulations.
- Halogen lamps are not permitted in residence halls.
- No drapes, flags, tapestries or other flammable materials may be hung from any place in the room that would interfere with egress from the room or the operation of a light fixture, sprinkler head or smoke detector.

Students will be fined \$100 by the College for any violation of these regulations, including unnecessary discharge of a fire extinguisher, tampering with pull stations, smoke or heat detectors, emergency exits, carbon monoxide detectors or any other life safety device. The local Fire Department may impose further fines. Students who fail to exit a building during a drill or an unplanned alarm may also be subject to this fine or similar sanctions (if the responsible party is not identified, the fine may be levied against all building residents). Violation of these regulations may also be a violation of the College's Standard of Conduct that will be handled under the College's disciplinary procedures.

The following represents the fire safety systems in residential facilities.

Residential Hall- Burlington, Vt.	Fire alarm monitoring by BFD	Sprinkler system	Smoke detection	Fire extinguishers	Evac plans and placards	Fire drill one per calendar year
308 Maple	X	X	X	X	X	X
371 Main St	X	X	X	X	X	X
396 Main St	X	X	X	X	X	X
Adirondack	X	X	X	X	X	X
Bader Hall	X	X	X	X	X	X
Bankus Hall	X	X	X	X	X	X
Boardman Hall	X	X	X	X	X	X
Butler Hall	X	X	X	X	X	X
Carriage House	X	X	X	X	X	X
Cushing Hall	X	X	X	X	X	X
Schillhammer	X	X	X	X	X	X
Hill Hall	X	X	X	X	X	X

Jensen Hall	X	X	X	X	X	X
Juniper Hall	X	X	X	X	X	X
Lake View Hall	X	X	X	X	X	X
Lyman Hall	X	X	X	X	X	X
McDonald Hall	X	X	X	X	X	X
North House	X	X	X	X	X	X
Pearl Hall	X	X	X	X	X	X
Rowell Hall	X	X	X	X	X	X
Sanders Hall	X	X	X	X	X	X
South House	X	X	X	X	X	X
Summit Hall	X	X	X	X	X	X
Valcour Hall	X	X	X	X	X	X
Whiting Hall	X	X	X	X	X	X
158 So. Willard	X	X	X	X	X	X
194 St. Paul St.	X	X	X	X	X	X

**Fire Safety Report – Burlington, VT**

The procedure for running a fire drill is as follows:

1. Each semester, Campus Public Safety staff will conduct one unannounced fire drill in every residence hall that will be timed by staff (the desired goal is complete evacuation in 2 minutes or less. Because students are not to know of the drill prior to its happening, the procedure is as follows: Campus Public Safety officer notifies the local fire department of the drill and then proceeds to the dorm and notifies the Residential Life staff of the drill and then immediately activates a pull station to start the alarm.
2. A Campus Public Safety officer will arrive at the residence hall before the drill is initiated.
3. A Public Safety officer will telephone the local fire department to report when the drill will begin, so the department can take the building offline.
4. The Public Safety officer will activate a pull station to begin the fire drill.
5. In a planned drill a Residential Life staff member or Public Safety officer will check all the rooms to make sure that all students have evacuated the building. Attendance will be taken at an outdoor waiting area by a Public Safety officer or Residential Life staff member.
6. After the evacuation of the building is complete, Public Safety personnel will silence the alarm and reset the pull station. The Public Safety staff will reset the panel and notify the local fire department that the drill is complete.

If students or employees hear or observe a fire alarm or are told that a fire is in progress, they shall do the following:

1. Evacuate the building immediately. Leave personal belongings behind. Everyone shall move to an outdoor position of safety – away from the structure in alarm. Once outdoors, no one may re-enter the building under any circumstances.
2. A Residential Life staff member shall start accounting for all residents outside the residence hall. A Public Safety Officer or local fire department representative should be

immediately notified if an occupant remains unaccounted for.

3. Only after the local fire department establishes the safety of the building may residents re-enter the residence hall.

The College's Annual Fire Safety Report is available at the Campus Public Safety Office and within this document. If you are aware of any fires please notify The Campus Public Safety Director, Bruce Bovat @ (802) 860-2755 or [bbovat@champlain.edu](mailto:bbovat@champlain.edu)

Name of Res Hall Burlington, VT	2020	2020	2020	2021	2021	2021	2022	2022	2022
	Total Fires	Injuries Due to Fire	Death Due to Fire	Total Fires	Injuries Due to Fire	Death Due to Fire	Total Fires	Injuries Due to Fire	Death Due to Fire
308 Maple	0	0	0	0	0	0	0	0	0
371 Main	0	0	0	0	0	0	0	0	0
396 Main	0	0	0	0	0	0	0	0	0
Adirondack	0	0	0	0	0	0	0	0	0
Bader Hall	0	0	0	0	0	0	0	0	0
Bankus Hall	0	0	0	0	0	0	0	0	0
Boardman Hall	0	0	0	0	0	0	0	0	0
Butler Hall	0	0	0	0	0	0	0	0	0
Carriage House	0	0	0	0	0	0	0	0	0
Cushing Hall	0	0	0	0	0	0	1	0	0
Schillhammer	0	0	0	0	0	0	0	0	0
Hill Hall	0	0	0	0	0	0	0	0	0
Jensen	0	0	0	0	0	0	0	0	0
Juniper	0	0	0	0	0	0	0	0	0
Lake View	0	0	0	0	0	0	0	0	0

<b>Res. Halls Continued</b>	<b>Total</b>	<b>Injury</b>	<b>Death</b>	<b>Total</b>	<b>Injury</b>	<b>Death</b>	<b>Total</b>	<b>Injury</b>	<b>Death</b>
Lyman	0	0	0	0	0	0	0	0	0
McDonald	0	0	0	0	0	0	0	0	0
North	0	0	0	0	0	0	0	0	0
Pearl Hall	0	0	0	0	0	0	0	0	0
Rowell Hall	0	0	0	0	0	0	0	0	0
Sanders	0	0	0	0	0	0	0	0	0
South	0	0	0	0	0	0	0	0	0
Summit	0	0	0	0	0	0	0	0	0
Valcour	0	0	0	0	0	0	0	0	0
Whiting	0	0	0	0	0	0	0	0	0
158 So. Willard	0	0	0	0	0	0	0	0	0
194 St. Paul	1	0	0	1	0	0	0	0	0

<b>Residential Hall- Burlington, Vt.</b>	<b>2020 Causes of Fire</b>	<b>2021 Causes of Fire</b>	<b>2022 Causes of Fire</b>
308 Maple			
371 Main St			
396 main St			
Adirondack			
Bader Hall			
Bankus Hall			
Boardman Hall			
Butler Hall			
Carriage House			
Cushing Hall			Smoldering clothing in trash can
East House			
Hill Hall			
Jensen Hall			
Juniper Hall			
Lakeview Hall			



Lyman Hall			
McDonald Hall			
North House			
Pearl Hall			
Rowell Hall			
Sanders Hall			
South House			
Summit Hall			
Valcour Hall			
Whiting Hall			
158 So. Willard St.			
194 St. Paul	Foam pillow in clothes dryer for 2 hours; high heat	Grease fire on stove top	

Residential Hall- Burlington, Vt.	2020 Property Damage Value to Fire	2021 Property Damage Value to Fire	2022 Property Damage Value to Fire
308 Maple			
371 Main St			
396 main St			
Adirondack			
Bader Hall			
Bankus Hall			
Boardman Hall			
Butler Hall			
Carriage House			
Cushing Hall			\$ .00
East House			
Hill Hall			
Jensen Hall			
Juniper Hall			
Lakeview Hall			
Lyman Hall			
McDonald Hall			
North House			
Pearl Hall			
Rowell Hall			
Sanders Hall			
South House			
Summit Hall			
Valcour Hall			
Whiting Hall			
287 College St			
158 So. Willard St.			
315 Maple St.			
194 St. Paul	\$18,904	\$1,164.62	

<b>Fire Statistics – DUBLIN</b>	<b>Year</b>	<b>Total Fire Reports</b>	<b>No Residential Facilities</b>	<b>Cause of Fire</b>
<b>Fires (No-Campus Housing)</b>	<b>2020</b>	0		
	<b>2021</b>	0		
	<b>2022</b>	0		
<b>Deaths Related to Fire</b>	<b>2020</b>	0		
	<b>2021</b>	0		
	<b>2022</b>	0		
<b>Injuries Related to Fire</b>	<b>2020</b>	0		
	<b>2021</b>	0		
	<b>2022</b>	0		
<b>Property Damage Value Related to Fire</b>	<b>2020</b>	0		
	<b>2021</b>	0		
	<b>2022</b>	0		
<b>Arson Also Appears in Clery Statistics as a Crime</b>	<b>2020</b>	0		
	<b>2021</b>	0		
	<b>2022</b>	0		

<b>Fire Statistics- MONTREAL</b>	<b>Year</b>	<b>Total Fire Reports</b>	<b>No Residential Facilities</b>	<b>Cause of Fire</b>
<b>Fires (No-Campus Housing)</b>	<b>2020</b>	0		
	<b>2021</b>	0		
	<b>2022</b>	0		
<b>Deaths Related to Fire</b>	<b>2020</b>	0		
	<b>2021</b>	0		
	<b>2022</b>	0		
<b>Injuries Related to Fire</b>	<b>2020</b>	0		
	<b>2021</b>	0		
	<b>2022</b>	0		
<b>Property Damage Value Related to Fire</b>	<b>2020</b>	0		
	<b>2021</b>	0		
	<b>2022</b>	0		
<b>Arson: Appears in Clery statistics as a Crime</b>	<b>2020</b>	0		
	<b>2021</b>	0		
	<b>2022</b>	0		

## Burlington/ Vermont and Champlain College- Resources

<b>Category and Contact</b>	<b>Phone #</b>
Emergency – Fire/Police/Ambulance	911
Burlington Police Dept.	802-658-2700
Burlington Fire Dept.	802-864-5311
<b>Sexual Assault/Violence</b>	<b>---BLANK---</b>
Steps to End Domestic Violence (hotline)	802-658-1996
RU12	802-860-7812
Spectrum Youth & Family Services	802-864-7423
HOPE Works	802-863-1236
<b>Sexual Harassment/Discrimination</b>	<b>---Blank---</b>
Erin Ferrara Title IX Coordinator	802-865-5765
Vermont Attorney General	802-828-3171
<b>Counseling Resources:</b>	<b>---Blank---</b>
Champlain College Counseling Center	802-865-5731
Champlain College 24 Hour on-call counselor	802-865-5745
The Howard Center	802-488-6000
University of Vermont Medical Center (UVMCMC)	802-847-0000
<b>Family Planning/Health</b>	<b>---Blank---</b>
Planned Parenthood of Northern New England	802-863-6326
Champlain College Health Services	802-860-2711
<b>Drug &amp; Alcohol Education:</b>	<b>802-651-5959</b>
Alcohol Crisis ACT 1	802-488-6425
Champlain College Public Safety: 24- hour line	802-865-6465
Director of Campus Public Safety: <b>Bruce Bovat</b>	802-860-2755
Dean of Students: <b>Susan Waryck</b>	802-860-2702

## Dublin & Montreal Support Resources & Protocols

Each semester, students from Champlain College study abroad in Dublin, Ireland and/or Montreal, Quebec. Students receive intensive instruction and training from staff while in Burlington from the Office of International Education, and staff from abroad with regard to personal and fire safety while living abroad.

Each Dublin & Montreal staff member possesses a binder with emergency procedures. A copy of the procedures is kept at the home of each staff member (including student residence), a copy in the Academic Centre, and each staff member also has it in Dropbox to access from their smartphones if they are away from their physical copy when the emergency occurs.

**The following documents are in the staff binder:**

Semester contact information – student contact numbers (students are issued cell phones), duty phone numbers, and staff phone numbers. This information is also posted in each student apartment.

Student health declarations – prior to arriving in Ireland or Montreal students are asked to declare pre-existing physical and mental health issues. This information is stored in the staff binders.

- Parent/guardian emergency contact details – stored only in the staff binders.
- Posted on the walls of each apartment at the residence are the following documents:
- Student rooming list and contact information along with Dublin/Montreal - specific emergency contact information.
- Fire evacuation plans
- Dublin & Montreal maps showing nearest hospitals and medical contact information

### **Protocols:**

There are specific protocols on file in Dublin & Montreal for possible emergencies that could arise (see below). Staff in both locations receive annual training on these protocols. These protocols are not published in this document as they contain sensitive personal information regarding staff and other support personnel.

- Unexpected Death of a Student
- Sexual Assault Protocol (can also be used for simple assault)
- Severe Mental Health Crisis / Attempted Suicide – and a guide sheet for assessing risk with mental health issues

Both Dublin & Montreal campuses rely on the procedures outlined in the Champlain College *Emergency Response Plan* (included in this report) for the following types of incidents:

- Bias related Incident
- Fire
- Gas / Carbon Monoxide Leak
- Harassment
- Illegal Activity
- Medical Emergency (including alcohol / drug crises) Power Outage / Heat Failure
- Water Damage / Flood

## Emergency Response Preparedness

Champlain College's Emergency Response Protocol (ERP) outlines responses to potential emergency situations. While no emergency protocol can fully anticipate all the variables that an emergency might present, it is better to respond within the framework of an existing plan than to create one during an unfolding emergency. The ERP outlines various levels of responsibility and actions needed to ensure a coordinated and effective response in the event of an emergency. The ERP ensures accurate, clear, and orderly communication is being communicated to the necessary groups and media while operating in compliance with governmental regulations.

The college policies and procedures herein will generally be followed by administrators whose responsibility and authority cover the operational procedures in this guide. Any exception to these emergency management procedures will be conducted by, or with the approval of, those administrators directing and/or coordinating the emergency operations. Since emergency situations could require outside agencies to respond (i.e. Burlington Police/Fire Department and Rescue), Champlain College's Emergency Response Plan (ERP) follows the National Incident Management System (NIMS) in accordance with the Presidential Homeland Security Directive 5.

<http://www.whitehouse.gov/news/releases/2003/02/20030228-9.html>

The ERP Categorizes Emergencies as follows:

### **Categories of Emergency:**

**CAT 1** – (NIMS type 1/ 2) a catastrophic event with potential to impact the entire campus and possibly the surrounding community. Immediate resolution of the disaster, which can be a multi-hazard, is most likely beyond the emergency response capabilities of campus and may require local and possibly state and federal resources. *(Example: earthquake, major hurricane, pandemic flu or other contagious outbreak, or act of terrorism which would require State and Federal assistance.)*

**CAT 2** - (NIMS type 3) an incident with the potential of people being harmed/or damage to college property. *Examples: a contained fire, a tornado warning, an extended break down of an HVAC unit during extreme weather conditions, bomb threats, suicide or an untimely death on campus. These emergencies are addressed quickly and assessed to ensure they don't evolve into a larger incident.*

**CAT 3** – (NIMS type 4/5) a minor incident in which Champlain College personnel respond, assess the situation, apply a solution and determine that there is no continuing hazard to people and/or property. These incidents are usually resolved by the primary responder(s) with no immediate or long-term impact to daily operations. (Examples: minor injuries, minor accidents, short power surge or outage, minor equipment or facility issues.)

### **Direction and Coordination of an Emergency**

When an emergency occurs, it should be reported immediately to Campus Public Safety at (802) 865-6465 and/or dial **911**.

The responding Campus Public Safety Officer(s) will follow a defined sequence of responses.

1. Conduct on site triage and request appropriate police, fire and/or medical assistance.
2. Notify the Director of Public Safety, or designee, who will then notify the appropriate Emergency Response Team members (Appendix A).

**Note:** *The President (or the next most senior available administrator) retains Executive Authority and has the ultimate responsibility for declaring a "state of campus emergency," and making key executive decisions. S/he will be assisted and advised by the Policy Group and the Operations Group (together the Policy Group and the Operations Group comprise the Emergency Response Team). Field operations remain under the direction of an on-scene Incident Commander.*

### **Direction and Coordination of a Potential Emergency**

When conditions indicate a potential emergency situation (*i.e. forecasted blizzard or ice storm, significant campus disturbance, etc.*) key members of the Policy Group will confer with key leaders within the Operations Group to decide if the entire Emergency Response Team is needed to generate an action plan, or if a smaller contingency is better suited.

### **POLICY GROUP MEMBERS:** (*Used for some CAT 2 and all CAT 1 Incidents*)

- President (Convener)
- The Chief Operating Officer (COO)
- Provost (or designee) (secondary convener)
- Vice President of Finance
- Vice President of Student Affairs
- President's Chief of Staff
- The Vice President for Enrollment Management
- Vice President of Human Resources
- The Vice President of Institutional Advancement
- Vice President of Technology

**Role of Policy Group:** It shall be the role of the Policy Group to perform the following tasks:

- Oversee reconstitution with priorities & strategies
- Assist with public information reports & instructions
- Liaison with governments & external organizations
- Liaison with the Board of Trustees

### **OPERATIONS GROUP MEMBERS:** (*Used for some level 2 and all level 1 Incidents*)

- Dean of Students
- Director of Residential Life

- Associate Provost(s)
- Director Campus Public Safety
- Director Physical Plant
- Director Food Services / Sodexo
- Director Public Information and News
- Director of the IDX Student Center
- Director of Information Technology
- Director of Event Center
- Communications personnel

**Role of Operations Group:** It shall be the role of the Operations Group to perform the following tasks:

- Gather, confirm & evaluate incident information
- Identify resource needs & shortfalls
- Reassign/deploy individuals in support of critical needs
- Coordinate /communicate with the on-scene Incident Commander (IC) and Policy Group
- Manage crisis management call center
- Link to local, state, and federal emergency operation centers if applicable

### **Role of Incident Commander (IC)**

The **Incident Commander** is the person responsible for all aspects of emergency response at the emergency site; including quickly developing incident objectives, managing incident operations, application of resources as well as responsibility for all persons involved. The IC is the first College representative at the scene and will remain the IC until relieved by someone of greater authority of expertise.

### **Declaration of an Emergency**

The President, Provost, Chief Operating Officer, Vice President of Student Affairs (*in this descending order*) can declare a CAT 1 emergency when deemed necessary to initiate emergency response procedures and/or to close all or part of the campus. The President, Provost, Chief Operating Officer, Vice President for Student Affairs, are the only ones with the authority to declare an end to the state of emergency.

### **Emergency Communications** (*For CAT 1/2 Emergencies*)

Timely and accurate communication with the campus population during a CAT 1 or 2 emergency is essential. The Campus Mass Emergency Notification System (RAVE Mobile Alert) will be used to quickly notify all faculty, staff and residential/commuter students with important direction. Depending upon the nature of the emergency the College will also utilize phone mail, e-mail and the College Website to disseminate essential information.

When appropriate, the local media will be notified. Should both the campus phone system and data network be unavailable, campus staff will be dispatched on foot to alert key personnel in each campus building. Emergency communications, both on and off-campus, will be coordinated by the President's Chief of Staff and the Vice President of Information Technology or their designees.

**During a CAT 1 emergency**, or when the nature of the emergency suggests a potential influx of telephone inquiries concerning the well-being of faculty, staff, and students, a special phone message will replace the College's main greeting for incoming calls. The special phone message will direct callers to the campus Web site, national media and other appropriate means. Prior to such distribution, the campus crisis management relations team will serve as an incoming call center and placed under the temporary management of the Emergency Operations Team.

### **EMERGENCY OPERATIONS CENTER (EOC)**

If the emergency involves a large portion of the campus, (CAT 1) an EOC will be established at a predetermined location. All pre-designated sites have generator-supplied back-up power, phone lines and utilities. The Public Safety Director or designee will play a key role in notifying campus personnel to respond to the Emergency Operations Center in accordance to the Emergency Response Plan. All incoming calls relevant to the crisis will be directed to the EOC. Outgoing calls will be made from other phone lines located within or near the Emergency Operations Center. All attempts will be made to provide no less than one Public Safety Officer will staff the Emergency Operations Center at all times until the emergency is resolved.

The Office of Strategic Communications, with the help of Campus Public Safety, shall establish a separate marshalling area for media. The Skiff Hall parking lot and lawn area is a pre-designated area for television crews if the situation allows. A podium for press conferences can be set up near the base of the back steps of Skiff Hall, facing the lake. If necessary, the Gallery may be opened as shelter for the press.

### **MOBILE EMERGENCY OPERATIONS CENTER**

If the emergency involves only one building or a small part of the campus (CAT 2) a Field or Mobile Emergency Operations Center may be utilized. A public safety vehicle and Public Safety Officer may be placed as close to the emergency as reasonably possible. If possible one Public Safety Officer will staff the field command operations center at all times until the emergency is resolved. The Public Safety Officer will relay all pertinent information to the Emergency Operations Center.

### **PHYSICAL PLANT – (Operations Group)**

- a) Utilizes Building Survey Log to document damages and/or utility outages (See Appendix)
- b) Provides equipment and personnel to perform shutdown procedures, hazardous area control, barricades, damage assessment, debris clearance, salvage operation,



emergency repairs, etc.

- c) Provides vehicles, equipment and operators for movement of personnel and supplies, assigns vehicles as required for emergency use.
- d) Obtains the assistance of utility companies as required for emergency operations.
- e) Furnishes emergency power and lighting systems as needed.
- f) Surveys habitable space and relocates essential services and functions.
- g) Provides facilities for emergency generator fuel during actual emergency or disaster periods.
- h) Provides for storage of vital records at an alternate site, coordinates with building and area coordinators for liaison and necessary support.

### **CAMPUS PUBLIC SAFETY-** (Operations Group)

- a) Receives first notification of incidents and makes appropriate phone calls, according to the Emergency Alert Roster (Appendix A of the ERP).
- b) Is liaison to local emergency responders (police, fire, UVMMC, etc.)
- c) Oversees RAVE emergency warnings and evacuation systems.
- d) Takes immediate and appropriate action to protect life, property, and to safeguard them as necessary.
- e) Provides traffic control, access control, perimeter and internal security patrols and fire prevention services as needed.
- f) Sets up an emergency operations center as needed.
- g) Consults with the Emergency Response Team on safety matters. Responsibility will be to minimize hazardous exposure to employees and students during the recovery process.

### **STUDENT LIFE –** (Operations Group)

The Dean of Student Affairs/Director of Residential Life and the On- Duty Area Coordinator(s) - coordinates follow-up with students and their families.

- a) Help to contain and responds to incidents that affect students, including food, clothing, personal items and housing issues.
- b) Track the location of students who become displaced.
- c) Act as primary liaison with parents. Will handle calls from parents of students who may call or e-mail the College, while consulting the Public Information and News Director's talking points.
- d) The Counseling staff will contact family members, roommates, and friends of students who are affected, injured, or killed, within FERPA privacy guidelines.
- e) Will call in additional trauma/grief specialists and spiritual support as needed.

### **FOOD SERVICES** (Director – Sodexo - Operations Group)

The Director of Food Services or his/her designee coordinates food service and makes service available to campus affiliates during a campus emergency.

- a) Works within the Emergency Operations Center to gather current emergency status.
- b) Has established members of Sodexo to serve as part of emergency response team.
- c) Ensures adequate food is available to those affected or displaced by an emergency.
- d) Prepares for adequate staffing coverage for the dining facility in the event 24-hour availability is necessary.

**PEOPLE CENTER AND HUMAN CAPITAL** (Operations Group)

The Associate Vice President for Human Capital- coordinates follow-up with employees and their families affected by a campus emergency.

- a) Help contain and respond to incidents that may affect employees.
- b) Utilizing the “Employee Contact Information Binders”: will notify that employee’s emergency contact person.
- c) Act as primary liaison with families of employees. Will handle calls from family members of employees who may call or e-mail the College, while consulting the Public Information Officer’s talking points.
- d) Will call in trauma/grief specialists and spiritual support as needed.

**COMMUNICATIONS GROUP** (Operations Group)

- a) Works within the Emergency Operations Center to gather current emergency status.
- b) Is the liaison with the news media for dissemination of information
- c) Ensures the College phone system is staffed and recordings are current.
- d) Uses pre-designated media locations for in-person media relations.
- e) Works with campus Audio-Visual media services to position a podium near the media location for press conferences.
- f) Monitors the all forms of media and social media to stay abreast of the situation.
- g) Helps prepare all statements for internal and external dissemination.
- h) Coordinates with the campus web managers for posting updates on both college websites and sending out campus-wide e-mails.
- i) The College President is held in reserve for only the most high-level press briefings.

**CAMPUS CRISIS RELATIONS MANAGMENT** (Operations Group – Level 1/2)

The Operations Group will designate an appropriate number of campus stakeholders to serve as an incoming call center to handle inquiries from neighbors, families of students, etc. and will be placed under the temporary management of the Emergency Operations Team.

## **EMERGENCY EVACUATION**

In an event with the need for a quick response, the student is the only person who can effectively plan for a campus evacuation.

Champlain College residential students are required to provide and submit the following information

1. Student name, and college I.D. number
2. Addresses of two relocation sites, preferably in different cities
3. Parent/guardian mailing address - all plans will be sent to this address for your information

If you have questions or concerns, please email [publicsafety@champlain.edu](mailto:publicsafety@champlain.edu)

## Appendix A: Vermont Definitions for the Crimes of Dating Violence, Domestic Violence, Sexual Assault and Stalking

Note: these Vermont law definitions are provided for educational and awareness purposes but are not used for purposes of reporting Clery crime statistics.

### Definitions

Effective: July 1, 2021

13 V.S.A. § 3251

As used in Vermont's definition of sexual assault:

(1) A "sexual act" means conduct between persons consisting of contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the vulva, or any intrusion, however slight, by any part of a person's body or any object into the genital or anal opening of another.

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

(3) "Consent" means the affirmative, unambiguous, and voluntary agreement to engage in a sexual act, which can be revoked at any time.

(4) "Serious bodily injury" shall have the same meaning as in subdivision 1021(2) of this title.

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

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

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

(8) "Deadly weapon" means:

(A) any firearm; or

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

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

(10) "Incapable of consenting" means the person:

(A) is incapable of understanding the nature of the conduct at issue;

(B) is physically incapable of resisting, declining participation in, or communicating unwillingness to engage in the conduct at issue; or

(C) lacks the mental ability to make or communicate a decision about whether to engage in the conduct at issue.

**13 V.S.A. § 3252**

**Sexual assault**

**Effective: July 1, 2021**

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

(1) without the consent of the other person;

(2) by threatening or coercing the other person;

(3) by placing the other person in fear that any person will suffer imminent bodily injury;

or

(4) when the person knows or reasonably should know that the other person is asleep, unconscious, or otherwise unaware that the sexual act is occurring.

(b) (1) No person shall administer any alcohol, drugs, or other intoxicants to another person without the person's knowledge or against the person's will and, while the person is impaired by the alcohol, drugs, or intoxicants, engage in a sexual act with that person.

(2) No person shall engage in a sexual act with another person when the other person is incapable of consenting to the sexual act due to substantial impairment by alcohol, drugs, or other intoxicants and that condition is known or reasonably should be known by the person.

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

(1) where the persons are married to each other and the sexual act is consensual; or

(2) where the person is less than 19 years old, the child is at least 15 years old, and the sexual act is consensual.

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

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

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

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

**13 V.S.A. § 3254**

**Trial procedure; consent**

**Effective: July 1, 2021**

In a prosecution for a crime defined in this chapter or [section 2601](#) of this title:

(1) Lack of consent may be shown without proof of resistance.

(2) Submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent.

(3) Consent shall not be demonstrated by evidence prohibited under [section 3255](#) of this title.

(4) A sleeping or unconscious person cannot consent.

(5) A person shall be deemed to have acted without the consent of the other person where the actor:

(A) knew or reasonably should have known that the other person was incapable of consenting to the sexual act or lewd and lascivious conduct;

(B) knew or reasonably should have known that the other person was unaware that a sexual act or lewd and lascivious conduct was being committed; or

(C) knew or reasonably should have known that the other person was incapable of consenting to the sexual act or lewd and lascivious conduct with the actor because the person was substantially impaired by alcohol, drugs, or other intoxicants.

**Domestic Violence and Dating Violence (Referred to in Vermont Statutes as Domestic Assault):**

13 V.S.A. § 1041 and

15 V.S.A. Chapter 21 Definitions

As used in Vermont's Domestic Assault statutes, "family or household members" means persons who are eligible for relief from abuse under 15 V.S.A. chapter 21, which includes family and household members.

15 V.S.A. § 1101. "Household members" means persons who, for any period of time, are living or have lived together, are sharing or have shared occupancy of a dwelling, are engaged in or have engaged in a sexual relationship, or minors or adults who are dating or who have dated.

"Dating" means a social relationship of a romantic nature. Factors that the court may consider when determining whether a dating relationship exists or existed include:

- (A) the nature of the relationship;
- (B) the length of time the relationship has existed;
- (C) the frequency of interaction between the parties; and
- (D) the length of time since the relationship was terminated, if applicable.

### 13 V.S.A. § 1042 Domestic Assault

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

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

A person commits the crime of first degree aggravated domestic assault if the person:

- (1) attempts to cause or willfully or recklessly causes serious bodily injury to a family or household member; or
- (2) uses, attempts to use, or is armed with a deadly weapon and threatens to use the deadly weapon on a family or household member; or
- (3) commits the crime of domestic assault and has been previously convicted of aggravated domestic assault.

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

A person commits the crime of second degree aggravated domestic assault if the person:

- (1) Commits the crime of domestic assault and such conduct violates:
  - (A) specific conditions of a criminal court order in effect at the time of the offense imposed to protect that other person;
  - (B) a final abuse prevention order issued under 15 V.S.A. § 1103 or a similar order issued in another jurisdiction;
  - (C) a final order against stalking or sexual assault issued under 12 V.S.A. § 5133 or a similar order issued in another jurisdiction; or
  - (D) a final order against abuse of a vulnerable adult issued under 33 V.S.A. § 6935 or a similar order issued in another jurisdiction.
- (2) Commits the crime of domestic assault; and
  - (A) has a prior conviction within the last 10 years for violating an abuse prevention order issued under section 1030 of this title; or
  - (B) has a prior conviction for domestic assault under section 1042 of this title or a prior conviction in another jurisdiction for an offense that, if committed within the State, would constitute a violation of section 1042 of this title.
- (3) As used in this subsection:
  - (A) "Issued in another jurisdiction" means issued by a court in any other state; in a

federally recognized Indian tribe, territory, or possession of the United States; in the Commonwealth of Puerto Rico; or in the District of Columbia.

(B) "Prior conviction in another jurisdiction" means a conviction issued by a court in any other state; in a federally recognized Indian tribe, territory, or possession of the United States; in the Commonwealth of Puerto Rico; or in the District of Columbia.

12 V.S.A. § 5131. Stalking is defined as follows in Vermont Statutes:

As used in Vermont's relief from stalking statute:

(1) (A) "Course of conduct" means two or more acts over a period of time, however short, in which a person follows, monitors, surveils, threatens, or makes threats about another person, or interferes with another person's property. This definition shall apply to acts conducted by the person directly or indirectly, and by any action, method, device, or means. Constitutionally protected activity is not included within the meaning of "course of conduct."

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

(2) [Repealed.]

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

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

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

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

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

(B) suffer substantial emotional distress as evidenced by:

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

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

13 V.S.A. 1061 Crime of Stalking: The crime of stalking is defined in Vermont statute as follows:

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



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

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

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

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

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

## **Appendix B: (Policy for incidents alleged to have taken place prior to August 14, 2020)**

- Introduction & Notice of Non-Discrimination
- Scope of Policy
- Prohibited Conduct & Definitions
- Confidentiality & Privacy
- Champlain College's Title IX Coordinator & Deputy Coordinators
- Reporting
- Care & Support Resources
- Prevention & Awareness Programs
- Training
- Investigation & Resolution Process Involving Student Respondents

### **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 act 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 alleged to have occurred between July 1, 2019 and August 14, 2020. Where the date of the reported Prohibited Conduct precedes that time period, the definitions of misconduct in existence at the time of the alleged conduct will be used. The investigation and resolution process under this Policy, however, will be used to investigate and resolve covered instances that allegedly occurred before August 14, 2020 (See the text of the ASR above for policies and procedures that will apply to instances that allegedly occurred on or after August 14, 2020).

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 act, 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 act, 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 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:

*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.

*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:** <sup>1</sup><sub>SEP</sub>"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

activity 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.

## **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 act to redress the harassment; (2) has the duty to report to appropriate school official's sexual harassment or any other misconduct by students or employees; or (3) a student could reasonably believe has the authority or responsibility to act. 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 act 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 departments 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 Erin Ferrara Director Accessibility Student Support, to serve as the College's Title IX Coordinator. See below for a complete list of Deputy Title IX Coordinators.

#### **Erin Ferrara**

Director of Accessibility, Student Support, and Title IX Coordinator

Skiff Hall, Room 116

[eferrara@champlain.edu](mailto:eferrara@champlain.edu)

(802) 865-5764

#### **Bruce Bovat**

Director, Campus Public Safety

Deputy Title IX Coordinator

[bbovat@champlain.edu](mailto:bbovat@champlain.edu)

(802) 860-2755

#### **Gail MacDonald**

Manager, Application Transfer Credit Review, Champlain College Online

Deputy Title IX Coordinator

[gmacdonald@champlain.edu](mailto:gmacdonald@champlain.edu)

(802) 522-3891



**Kaelyn Murray**

Academic Advisor, Champlain College Online

Deputy Title IX Coordinator

[kmurray@champlain.edu](mailto:kmurray@champlain.edu)

(802) 865-5735

**Kelsey O'Connor**

Director of Housing and Residential Life

Deputy Title IX Coordinator

[koconnor@champlain.edu](mailto:koconnor@champlain.edu)

802-865-2749

**Cory Davis**

Director of Community Standards

Deputy Title IX Coordinator

[cory.davis@champlain.edu](mailto:cory.davis@champlain.edu)

(802) 865-6428

**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 of 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.

When a student or employee makes a report that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, Champlain College will provide the student or employee with a written explanation of the student's or employee's rights and options.

### **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.
- 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 on-call counselor 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](http://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  
617-289-0111/OCR.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 and/or Clery Act responsibilities by taking steps to end the harassment, prevent its recurrence, and address its effects, however, 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. The College will preserve as confidential information about interim measures except as necessary to implement them. 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.

Champlain College will provide written notification regarding options for, available, assistance in, and how to request interim measures. The College will make such accommodations or provide protective measures if requested and they are reasonably available, regardless of whether the respondent chooses to report to law enforcement.



### **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](mailto:sharris@champlain.edu)  
desk: 651-5961

Student Health Center  
Diana Clayton, Medical Director  
[diana.clayton@champlain.edu](mailto:diana.clayton@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 1.800.489.7273	Pride Center 255 S Champlain St Suite 12, Burlington, VT (802) 860-7812	Chittenden District Courthouse 32 Cherry Street Burlington, VT 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 aid 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. Preserving evidence may assist in proving that the alleged offense occurred or may be helpful in obtaining a protection order.

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.

Officials who conduct disciplinary proceedings receive, at a minimum, annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to investigate and conduct a hearing process that protects the safety of the alleged victims and promotes accountability.

## **Medical and Community Resources**

Champlain College Health Services, located at 203 South Willard Street, provides comprehensive confidential medical services for students who have experienced sexual abuse. Call (802) 860-2711 for a consultation or to schedule an appointment.

Fletcher Allen Medical Center Emergency Department is located just minutes from campus and is the only level one trauma center in Vermont. The center is staffed with competent, highly trained professionals to assist people who are injured or ill or who have experienced sexual abuse. Call (802) 847-0000 to speak with a health care professional.

Hope Works in Burlington is a community service agency dedicated to serving victims of sexual violence and their families and can be reached 24 hours a day at (802) 863-1236.

## **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, and that involved conduct that allegedly occurred before August 14, 2020. 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 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 deciding 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.

Champlain College will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted against a student who is the alleged perpetrator of such a crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

**Information about registered sex offenders in the State of Vermont is available from the State of Vermont Department of Public Safety Vermont Crime Information Center Sex Offender Registry.**