



# CAMPUS SAFETY

CAMPUS CRIME &  
FIRE SAFETY  
ANNUAL REPORT  
2018

## **Message from the Director of Campus Safety**

The Southern Vermont College Department of Campus Safety & Transportation prides itself on providing Public Safety and Transportation Services to the Southern Vermont College community in support of its academic mission. Through dedication, compassion and integrity the Department of Campus Safety will uphold and administer college policies and procedures while providing a safe environment in which our community can excel.

We encourage the Southern Vermont College community to take an active role in assisting the Department of Campus Safety by registering for the Campus Emergency Alert system e2campus. If you have not registered for e2campus or if you need to update your registration please visit <http://safety.svc.edu>.

Please remember to never leave personal belongings unattended, lock doors & windows, remove all items from parked vehicles and most importantly please report suspicious activity immediately. If you see something, say something.

By working together, we can provide a safer environment at Southern Vermont College where everyone can excel academically and professionally.

As the Director of Campus Safety I welcome your comments, suggestions and ideas for making the campus an even safer environment. To share your ideas, please visit the Campus Safety office located at Aldis Hall or you can call us at 802-447-4001; or email us at [jwaldon@svc.edu](mailto:jwaldon@svc.edu).

James G. Waldon, MAS  
Director of Campus Safety & Transportation

## **Southern Vermont College**

Southern Vermont College is committed to providing its students, faculty, and staff with a safe campus on which to study, work, and live by making each student and employee aware of how to reduce the possibilities of incidents and create a better campus environment. Southern Vermont College enrolls approximately 400 students and employs approximately 140 staff and faculty members. The campus covers approximately 400 acres on a beautiful mountainside setting. The following describes the policies and procedures of Southern Vermont College in regards to safety and security on campus.

### **Southern Vermont College Mission Statement**

Southern Vermont College affirms a deep belief in the potential of every individual. We embrace diversity in all its forms, fostering excellence and personal responsibility in each member of our community. Grounded in the liberal arts, our programs prepare students to look beyond boundaries, to engage their communities, and to excel in their professional endeavors.

### **Overview**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990 (34CFR668.46), also known as the "Clery Act," is a federal law that requires colleges and universities to disclose information about crime on and around their campuses. The Annual Security Report is published to fulfill the requirements of this act.

Southern Vermont College's annual security report presents campus safety information as well as College policies concerning alcohol and drug use, crime prevention, and the reporting of crimes. This report includes statistics for the three years from 2015, 2016 & 2017. These statistics include reported crimes that occurred on campus and on public property immediately adjacent to and accessible from the campus. Copies of this report are available to all students, faculty and staff on the college website at <https://svc.edu/wp-content/uploads/2016/03/2015-SVC-Annual-Crime-Fire-Report-1.pdf>

This report is also available in hard copy format upon request at the Campus Safety Office located in the Aldis Hall (Telephone: 802-447-4001). Copies may also be obtained upon request from the Human Resources office located in Everett Mansion (Telephone: 802-447-6358). This report is available, upon request, to all students, faculty, staff members as well as the general public.

### **Campus Safety Department**

The Campus Safety Department offices are located in the first floor of Aldis Hall. The department consists of a Director, 1 Sergeant, 1 Corporal, 5 full-time officers, and 2 part-time officers. Campus Safety is also responsible for much of the College's transportation needs and in that capacity, employs 2 full-time, 4 part-time drivers. Two of those mentioned have Commercial Driver's License (CDL) certifications.

Campus Safety Officers are non-sworn security officers and do not possess any powers of arrest and their jurisdiction and authority are limited to property owned or leased by Southern Vermont College. Campus Safety Officers enforce College policy and rules and regulations. The Campus Safety Department

cooperates with local, county, state and federal law enforcement agencies. The Campus Safety Department works closely and cooperates with the Bennington Police Department when necessary and appropriate however, we currently do not have a memorandum of understanding with Bennington Police Department.

Campus Safety Officers have completed 24 hours of training at the New Hampshire Association of Campus Law Enforcement Administrators (NHACLEA) New Hampshire Campus Safety Academy. Campus Safety Officers also attend workshops and training seminars that are relevant to campus security and safety. The Officers receive FEMA training in Incident Command System (ICS), emergency procedures, first aid, CPR, and the proper use of the College's Automatic External Defibrillator (AED).

The Southern Vermont College Campus Safety Department is staffed 24 hours a day, 7 days a week, 365 days a year and conducts regular walking and vehicular patrols of the campus. Campus Safety Officers are charged with being the primary enforcement authority for College policies and regulations, which are outlined in the College Policies and the Student Handbook.

### **Reporting Procedures**

The Campus Safety Department strongly encourages accurate and prompt reporting of all crimes when the victim of a crime elects to or is unable to make such a report. If you witness, or are the victim of a crime, contact Campus Safety and/or the Bennington Police Department. Campus Safety can be reached by dialing (802) 447-4001. The Bennington Police Department can be reached by dialing 911 for emergency services and should be used in any life-threatening situation, to report a crime in progress or report a fire. Campus Safety Officers will provide mutual aid to the local police, fire, or EMS providers when responding to campus and are First Responder trained.

### **Security and Access – College Facilities**

The Campus Safety Department is responsible for the locking/unlocking of all College buildings, according to the advertised facility schedules. All College Facilities are routinely patrolled by Campus Safety, which is staffed 24 hours a day, 7 days a week, 365 days a year. College staff and faculty members may also request access to College Facilities during off hours as well if the request is scheduled and authorized.

### **Security and Access – Residence Halls**

Southern Vermont College has 6 residence hall buildings. All College residence halls are locked 24 hours a day and can only be accessed by authorized entry, either by key or by electronic access control systems. All residence hall doors, with exception of bedroom doors, are equipped with automatic door closing devices and door locks that remain locked at all times. In addition, all residence hall windows are equipped with window locks.

All students, faculty, and staff are issued a College ID card which is equipped with electronic access control technology that allows Campus Safety to control their authorized access within Hunter Hall and its interior computer lab, and the Healthcare Education Center (HEC) located in downtown Bennington. These are

currently the only facilities equipped with electronic access control technology. In addition to their College ID card, each resident student is issued a set of keys that gives them access to their assigned living area only. Resident students are instructed not to leave their keys unattended and to immediately report any lost/stolen keys and/or access cards. Resident students are also instructed to keep their doors closed/locked at all times when their rooms are unattended and never to prop open any residence hall doors. Students are reminded of these, and other important security policies through the conspicuous posting of same around campus and in each living area, email notifications, and through 'Moosevision' monitors posted around campus in common areas. Additional dissemination of important safety information is also accomplished through Campus Safety Notifications - important security alerts describing safety and security and/or concerns that effect the College community.

### **Timely Warnings/ Crime Alerts**

Timely Warnings / Crime alerts will be provided to the community in the event of a Clery reportable crime or a series of crimes, in the judgment of the Director of Campus Safety or a designee, which constitutes an ongoing or continuing serious threat to the college community.

- The Timely Warnings / Crime Alerts are generally written by the Director of Campus Safety or a designee and they are typically distributed to the community via email to anyone who has a svc.edu email address, however we may also use printed flyers. The Timely Warnings / Crime Alerts will also be posted on the Southern Vermont College website. Updates to the Southern Vermont College community about any particular case resulting in a Timely Warning / Crime Alert will normally be distributed via email. Timely Warning Notices will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences. When possible, the Director of Campus Safety or his designee will work in consultation with the Dean of Students and/or Executive Vice President of Finance and Administration prior to distribution of the message(s).

- **Emergency Notifications**

- Campus Safety is also responsible for making emergency notifications to the College community. In instances where there may be a threat to the College community upon confirmation immediate notification will, without delay, be sent out providing instructions for the safety of our community. The Director of Campus Safety or his designee has primary responsibility for determining and making these notifications

- The College employs a Campus Notification System. This system, which is powered by the Omnilert e2Campus technology, enables authorized College administrators/staff to send instant notifications to the College community via:

- E-mail
- Text-message
- capable electronic devices (cell phones, pagers, PDA's, etc.)
- 'Moosevision' monitors posted around campus in common areas.

The system is used only for situations requiring notification of the entire College community. These instances include campus closings or delays (not individual class cancellations), emergency situations and major facility or technology failures. The Campus Notification System is an 'opt-in' system, which requires that users create their own account. More information and the Campus Notification System sign-up page can be located by clicking on *e2campus Notification System* online at [www.svc.edu](http://www.svc.edu).

- In addition to the Director of Campus Safety, the following individuals are also authorized to issue emergency response notifications:
  - Executive Vice President of Administration and Finance
  - Director of Information Technology
  - Director of Facilities Services
  - Lieutenant of Campus Safety
  - Sergeant of Campus Safety
  -

# CAMPUS NOTIFICATION SYSTEM



## Stay Connected!

Receive instant notification when classes are cancelled or delayed, as well as other important campus events and emergencies

- GO TO: [www.svc.edu/connections](http://www.svc.edu/connections)  
(Make it your homepage while you're there)
- IN THE LOWER LEFT HAND COLUMN CLICK ON THE **"e2campus Notification System"** LINK
- CREATE YOUR ACCOUNT USING A CELL PHONE AND/OR EMAIL ADDRESS. **NOTE: THE "OPT-OUT" DATE IS WHEN YOU WANT YOUR ACCOUNT TO GO INACTIVE**
- INCLUDE UP TO A TOTAL OF 2 CELL PHONES AND 2 EMAIL ADDRESSES TO YOUR ACCOUNT
- MAKE SURE YOU COMPLETE THE VALIDATION PROCESS FOR EACH CELL PHONE AND EMAIL ADDRESS ON YOUR ACCOUNT

### QUESTIONS?

CONTACT: JAMES G. WALDON, DIRECTOR OF CAMPUS SAFETY  
[jwaldon@svc.edu](mailto:jwaldon@svc.edu) OR 802-447-4004



## **Behavior Assessment Team**

The College's Behavior Assessment Team and concerned@SVC campaign was implemented during the spring of 2013. The purpose of the Behavior Assessment Team is to assist in the recognition, assessment, and management of concerning behavior exhibited by students or others, and to facilitate intervention prior to any wrongdoing or harm. This process is supported through an on-line reporting system accessed through the College's website. The reporting system can be found at [svc.edu/concerned](http://svc.edu/concerned) and directs incoming reports to those responsible for convening a Behavior Assessment Team meeting on a person of concern. A poster campaign encouraging the sharing of concerning behavior makes information about concerned@svc available in all facilities and residence halls. Information can be shared anonymously or not, and encourages students in particular – who may be in a position to observe changes in their peers' behavior, to share their concerns.

## **Alcohol and Other Drug Policies**

### **Alcohol Policy**

The College encourages students to make informed decisions regarding alcohol consumption and recognizes that there are times when alcohol will be used by students of legal drinking age in private bedrooms. The College does not permit the possession or consumption of alcoholic beverages by students under 21 years of age, and the possession or consumption of alcohol is not permitted in first-year student housing. Resident Advisors of legal drinking age assigned to first-year housing may not have alcohol in their rooms. The College adheres to Vermont State alcohol laws. A student who decides to consume alcohol assumes full responsibility and consequences from its use or abuse, both on and off campus.

### **General Regulations**

1. Public intoxication anywhere on campus or at a College event is prohibited and considered unacceptable behavior in our community. Public intoxication is defined as alcohol/drug-influenced behavior which causes a disturbance and/or is harmful to self, others and/or property.
2. Intoxication will not be accepted as an excuse or mitigating circumstance for any Student Code of Conduct violation.
3. The manufacture and/or sale of alcoholic beverages are prohibited on College-owned property.
4. Dispensing or consumption of alcoholic beverages is only permitted in private rooms by students of legal drinking age (21 and over), except that possession, dispensing, or consumption of alcohol is not permitted in private rooms in first-year student housing, and Resident Advisors of legal drinking age assigned to first-year housing may not have alcohol in their rooms.
5. Kegs and/or alcohol in common source containers are prohibited.

6. Empty beer containers, hard liquor or wine containers, packaging or bottle caps cannot be used for decorative purposes in any common area, including all suites, hallways, and lounges regardless of age. Such containers or associated prohibited items may be used as proof of an alcohol policy violation.
7. Privately-obtained alcoholic beverages may not be brought into a College sponsored event.
8. Drinking games and associated paraphernalia (i.e., beer funnels, beer pong tables, etc.) are prohibited whether alcohol is clearly present or not due to a concern of inappropriate and unsafe consumption of alcohol. Such paraphernalia may be subject to confiscation by Campus Safety or Residence Life staff and will not be returned.
9. Alcohol may not be stored in a suite, common area, common area closet, or bathroom. It must be kept in a bedroom in which the owner of the alcohol is of legal age, except that the possession of alcohol is not permitted in first-year student housing, and Resident Advisors of legal drinking age assigned to first-year housing may not have alcohol in their rooms.
10. Any student who arrives in class and is perceived by a College official—the professor, a staff member, or administrator—to be under the influence of alcohol or other drugs may be asked to leave. In addition, the faculty or staff member is encouraged to document the incident and forward it to the Dean of Students.
11. Driving under the influence of alcohol is strictly prohibited.
12. Residence Halls Aldis, Bowen, and Cady are considered first-year “dry housing.” Students may not possess, consume, or be in the presence of alcohol in these halls, regardless of the students’ age.

### **State Laws and Local Ordinances: Alcohol**

1. Vermont law provides that no person shall sell or furnish any alcoholic beverages to any person who is under the age of 21. Violators generally may face a fine not less than \$500 and up to \$2,000 and/or imprisonment up to two years, and/or civil actions for damages. Where the underage person is involved in a related motor vehicle accident as an operator and death or serious bodily injury results, violators may be imprisoned for up to five years and fined up to \$10,000.
2. No person shall knowingly enable the consumption of alcoholic beverages by a person under the age of 21; "enable" under this Vermont law means to create a direct and immediate opportunity for a person to consume alcoholic beverages, including where there is no charge for such beverages. The potential penalties for violation of this provision are as those detailed in the section above.
3. Individuals knowingly aiding any person under the age of 21 in procuring alcoholic beverages, or who falsely represent their age for the purpose of procuring/consuming alcoholic beverages, may face a fine of not more than \$500 and/or imprisonment of not more than 30 days.

4. Anyone who sells alcoholic beverages without a license may be punished by fine and/or imprisonment. If admission is charged at an event where alcohol is served, sponsors must have obtained a license.
5. State law prohibits Southern Vermont College from providing alcohol at College events unless a licensed caterer (approved by the College) has been contracted for the event. Students/guests are required by law to present, when asked, proof of age in the form of a current valid driver's license, passport, or state-issued identification card.
6. Town of Bennington open container ordinances prohibit consumption of alcoholic beverages in public areas and in or on motor vehicles, either moving or stationary. Violators are punishable by a fine not exceeding \$100 or imprisonment not exceeding 30 days or both.

### **Drug Policy**

1. The presence, possession, sale, distribution, manufacturing, or use of any drug(s) currently classified by the State of Vermont or the Federal Government as a narcotic drug including, but not limited to, marijuana, LSD, cocaine, MDMA (ecstasy), heroin, and other illicit drugs is prohibited anywhere on campus including campus-sponsored events and personal automobiles parked on campus property.
2. Possession of drug-related paraphernalia (including, but not limited to, roach clips, pipes, bongs, water-pipes, cocaine spoons, hypodermic needles, rolling papers, scales, grinders), or any item containing drug residue is prohibited. These items will be confiscated by Campus Safety.
3. Unauthorized possession, improper use, sale, distribution, and/or manufacturing of medication or prescription drugs are prohibited. Possession and use of prescription medication is only permitted with a valid prescription belonging to that individual.
4. Intoxicants, natural or synthetic, are prohibited if used to produce an altered mental state.

### **State and Federal Drug Regulations: Drugs**

1. State and federal laws provide for potentially severe and, in some cases, mandatory penalties in the forms of fines, imprisonment, and seizure of property for persons who knowingly and unlawfully possess illegal drugs for use or sale.
2. Federal regulations permit revocation of federal student aid to anyone prosecuted and convicted of a drug offense.

## Health Risks

Alcohol – Alcohol consumption causes a number of changes in behavior and physiology. Even low doses of alcohol significantly impair judgment, coordination, and abstract mental functioning. Statistics show that alcohol use is involved in a majority of violent behaviors on college campuses, including acquaintance rape, vandalism, fights, and incidents of drinking and driving. Continued use may lead to dependency, which often causes permanent damage to vital organs and deterioration of a healthy lifestyle. While legal use of alcohol may be accepted socially, abstinence is a preferred choice for many people in the College community. A larger percentage of college-aged students do not drink or drink infrequently as compared to those who drink often or to excess. Each individual must make a responsible decision about alcohol use. For some individuals, the use of alcohol can lead to academic problems, personal problems, and/or legal problems. Alcohol may interfere or interrupt the education process.

Marijuana/Cannabis/Hashish – The use of marijuana may impair or reduce short-term memory and comprehension, alter sense of time, and reduce coordination and energy level. Users often have a lowered immune system and an increase risk of lung cancer.

Hallucinogens – Lysergic acid (LSD), mescaline, and psilocybin cause delusions and hallucinations. The user may experience panic, confusion, suspicion, anxiety, and loss of control. Delayed effects or flashbacks can occur even when use has ceased.

Phencyclidine (PCP) affects the section of the brain that controls the intellect and keeps instincts in check. Because the drug blocks pain receptors, violent PCP episodes may result in self-inflicted injuries.

Cocaine/Crack – Cocaine users often have a stuffy, runny nose and may have a perforated nasal septum. The immediate effects of cocaine use include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature, followed by depression. Crack, freebase rock cocaine, is 49 extremely addictive and can cause delirium, hallucinations, blurred vision, severe chest pain, muscle spasms, convulsions, and death.

Methamphetamines – Methamphetamine use causes increased heart rate and blood pressure and can cause irreversible damage to blood vessels in the brain, producing strokes. Other effects include respiratory problems, irregular heartbeat, dental deterioration, and extreme anorexia. Its use can result in cardiovascular collapse and death.

Heroin – Heroin is an opiate drug that causes the body to have diminished pain reactions. The use of heroin can result in addiction, coma, or death due to a reduction in heart rate.

Ecstasy – Ecstasy is related to mescaline and methamphetamine. Its use permanently depletes the body's serotonin reserves, affects memory, heightens anxiety, and has led to death in some users.

**On-Campus Resources Counseling Services:**

Counseling is generally available Monday through Friday from 9:00 a.m. to 5:00 p.m. To schedule an appointment, call the Director of Counseling Services at 802-447-6343. In case of an emergency, contact the Southern Vermont College Campus Safety Office, or contact emergency medical services by calling 911.

Campus Safety Office: 802-447-4001

Campus Safety Cell Phone: 802-384-1648

**Off-Campus Community Resources:**

Alcoholics Anonymous: 802-295-7611

Narcotics Anonymous: 802-773-5575

United Counseling Services: 802-442-5491

**Alcohol and Other Drug (AOD) Level System:**

Southern Vermont College is committed to taking specific action in cases involving alcohol or drug violations. This Alcohol and Other Drug Level system is progressive however there are instances where lower levels may be skipped due to the nature of the incident.

<b>Level Status</b>	<b>Outcomes</b>
Level 1	Educational Information Provided \$50 Administrative Fine College Warning (status 6 months) Parental Notification may happen Level 1 status remains for 6 months (no additional violations = status removed)
Level 2*	Educational Information Provided Educational Outcome: Judicial Educator #8 or #9 or related topic \$75 Administrative Fine Residence Hall Probation or College Probation (1 year) Additional Educational Outcome(s) may be assigned Parental Notification may happen Level 2 status remains for 1 year (no additional violation = status removed)
Level 3**	Educational Information Provided Educational Outcome: Judicial Educator #15 or related topic \$100 Administrative Fine College Probation (1 year) On-campus Alcohol and Other Drug (AOD) Counseling through Counseling Services Additional Educational Outcome(s) may be assigned Parental Notification may happen Level 3 status remains for 2 years (after 1 year of no additional violation status decrease to Level 2, if no additional violations happen after 2 years = status removed)
Level 4**	\$200 Administrative Fine Residential Suspension or Expulsion, College Suspension, or College Expulsion Parental Notification may happen

\* A first incident in which medical treatment/transport may result in automatic placement on Level 2. Any additional incident in which medical treatment/transport may result in level increase of 2 if already on a level.

\* Off-Campus Police/Authorities are involved may result in automatic placement on Level 2.

\*\* Drug Sale &/or Distribution may result in automatic Level 3 or Level 4.

**Residential Suspension** - Temporary dismissal from College-owned housing for a specified period of time and without financial reimbursement. After this period is concluded, the student may regain their ability to live in a residence hall following an interview with the Dean of Students or designee. A residentially suspended student may not enter any College owned housing during this time. The Dean of Students may need to work with Academic Advisor on class schedule if a class is located in Hunter Hall. Return to housing will be on a space available basis.

**Residential Expulsion** – Permanent expulsion from College-owned housing without financial reimbursement. A residentially expelled student may not enter any College owned housing for the remainder of their College career. The Dean of Students may need to work with Academic Advisor on class schedule if a class is located in Hunter Hall.

**Suspension from the College** – Temporary dismissal from the College for a specified period of time. After this period is concluded, the student may resume his or her studies following an interview with the Dean of Students or designee. A suspended student may not engage in College activities, use any College facilities, or be on College property without expressed permission from the Dean of Students or designee. During the period in effect, suspension is recorded on the student’s academic record. Upon the student’s reinstatement, this notation is permanently removed from the academic records, and will be considered eligible for registration in compliance with academic policy. Any further incidents of misconduct after the student is readmitted may result in disciplinary dismissal. Return to housing will be on a space available basis.

**Expulsion from the College** – Permanent dismissal from the College without the right to return. An expelled student no longer has the privileges of matriculated students and may not engage in College activities, use any College facilities, or be on College property. Expulsion is recorded on the student’s transcript.

## **Weapons Policy**

Possessing/using firearms, explosives/fireworks, or other weapons on College property is strictly prohibited. Students who work for the Sheriff's or Police Departments must make arrangements to store their firearms off campus. Contact the Director of Campus Safety if you have questions.

The possession, use, or storage of any explosive material on College property or at any College function is prohibited. The possession, use, or storage anywhere on College property (including the Residence Halls) of any object designed to inflict injury is prohibited. Possession and/or use of firearms, explosive chemicals, gasoline, ammunition, bows and arrows, swords, and other similar items are prohibited. Threatening the possession or use of weapons or explosives is prohibited. This includes threats made verbally, by phone, by email, by text message, social media or by any other means of electronic or other communication.

## **COUNSELING SERVICES**

### ***Hunter Hall, North Wing (Wellness Center)***

Students in a college environment may encounter a variety of personal difficulties. In such occasions, students may benefit from speaking with a professional counselor. The Southern Vermont College Counseling Services Office provides a variety of services to the campus community. The Counseling Services Office can assist degree seeking students with coping skills, stress management, interpersonal, or family concerns by developing new ways of meeting goals and resolving problems. The Office is also able to provide couples counseling as well as alcohol and drug assessments to students.

In some instances, the Office may provide referrals to off-campus mental health services. The College has a relationship with a local psychiatrist who is available to consult and meet with students by appointment. Counseling services are confidential and free of charge to all SVC students.

In addition to individual and group counseling, the Counseling Services Office offers workshops and presentations on a variety of issues and has self-help brochures.

The Counseling Services Office is open Monday through Friday, 9:00 a.m. to 5:00 p.m., with a couple days of additional evening hours, until 7:00 p.m. during the academic year. Appointments can be made by calling the Counseling Services Office at 802-447-6343. For emergencies, contact Campus Safety at 802-447-4001 or 802-384-1657.

## **Violence Against Women Act (VAWA) (Campus SaVE Act)**

The United States Congress, recognizing the severity of the crimes associated with domestic violence, dating violence, sexual assault, and stalking, passed the **Violence Against Women Act of 1994 (VAWA)** as part of the Violent Crime Control and Law Enforcement Act of 1994. VAWA is described as “a comprehensive legislative package designed to end violence against women.” VAWA has since been reauthorized in 2000, 2005 and 2013. The intention of VAWA was to improve responses by the criminal justice system to domestic violence, dating violence, sexual assault, and stalking and to increase the availability of services for victims of these crimes.

The United States Department of Justice’s Office on Violence Against Women (OVW) was created specifically to implement (VAWA) and subsequent legislation. The VAWA 2000 reauthorization strengthened the original law by improving protections for battered immigrants, sexual assault survivors, and victims of dating violence. In addition, it improved the enforcement of protection orders across state and tribal lines. The VAWA reauthorization in 2005 continued to improve the law by, (in OVW’s description), “providing an increased focus on the access to services for underserved populations.”

On March 7, 2013, President Obama signed a bill that strengthened and reauthorized the Violence Against Women Act. Included in the bill was the Campus Sexual Violence Elimination Act (Campus SaVE), which amends the Jeanne Clery Act and affords additional rights to campus victims of sexual violence, dating violence, domestic violence, and stalking.

Beginning in 2014, every College and University participating in Title IV financial aid programs will be required to; 1. Compile statistics of incidents of sexual assault, domestic violence, dating violence, and stalking that occur within Clery geography and are reported to campus security authorities and 2. Include within its Annual Security Report a statement of policy regarding procedures, explanations, educational programs and services afforded to the victims of such crimes.

Below are the definitions of those crimes related with VAWA as described by the US Department of Justice OVW;

### **What is Domestic Violence?**

Domestic violence can be defined as a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner.

Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

### **What is Sexual Assault?**

Sexual assault can be defined as any type of sexual contact or behavior that occurs by force or without consent of the recipient of the unwanted sexual activity. Falling under the definition of sexual assault is sexual activity such as forced sexual intercourse, sodomy, child molestation, incest, fondling, and attempted rape. It includes sexual acts against people who are unable to consent either due to age or lack of capacity.

### **What is Dating Violence?**

Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

The length of the relationship

The type of relationship

The frequency of interaction between the persons involved in the relationship

### **What is Stalking?**

Stalking can be defined as a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear.

### **What is Consent?**

Consent means words or actions, freely and actively given by each party, that a reasonable person would interpret as a willingness to participate in agreed-upon sexual conduct. Consent is not present or valid when a person is incapable of giving consent because they are incapacitated by drugs or alcohol; when intimidation, threats, physical force, or other actions that a reasonable person in that person's circumstances would consider coercive are applied; when that person is placed in fear that any person will suffer imminent bodily injury; when a physical or mental condition is present such that the person cannot knowingly or voluntarily give consent; or when a person is under the age of 16.

Silence, non-communication, or a lack of resistance does not necessarily imply consent. Previous relationships or consent do not imply consent to future sexual conduct. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent can be rescinded at any time.

The use of alcohol or drugs does not minimize or excuse a person's responsibility for committing sexual assault, or that person's responsibility for determining whether another is capable of giving consent.

Capability to Give Consent: An objective standard will be used in determining whether a person is incapable of giving consent due to the person's incapacitation by the use or consumption of drugs or alcohol, or if a physical or mental condition as described above is present. That is, consent is not present or valid when:

a. From the standpoint of a reasonable person, the respondent knew, or reasonably should have known, that the person was incapable of giving consent because the person was incapacitated by the person's use or consumption of drugs or alcohol, or that the person's physical or mental condition would prevent knowing and voluntary consent; and

b. The person was, in fact, incapable of giving consent because the person was incapacitated by the person's use or consumption of drugs or alcohol, or the person was incapable of providing knowing or voluntary consent due to a physical or mental condition.

Coercion: Coercion is defined as compelling someone to act by applying pressure, harassment, threats, intimidation, or other actions a reasonable person would consider to be coercive.

### **Vermont Definitions for the Crimes of Dating Violence, Domestic Violence, Sexual Assault and Stalking**

**Sexual Assault:** Sexual assault is engaging in a sexual act with another person and compelling the other person to participate in a sexual act:

1. without the other person's consent; or
2. by threatening or coercing the other person; or
3. by placing the other person in fear of imminent bodily injury.

No person shall engage in a sexual act with another person and substantially impair the ability of the other person by administering or employing drugs or intoxicants without the knowledge of or against the will of the other person.

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

**Domestic Violence:** Domestic assault is attempting to cause or to willfully or recklessly cause bodily injury to a family or household member or to willfully cause a family or household member to fear imminent serious bodily injury. "Household members" are those persons who, for any period of time, are living or have lived together, are sharing or have shared occupancy of a dwelling, are engaged in or have engaged in a sexual relationship, or minors or adults who are dating or have dated.

**Dating Violence:** Domestic assault includes attempting to cause or to willfully or recklessly cause bodily injury to a person one is dating or has dated or to willfully cause such person to fear imminent serious bodily injury. "Dating" is defined as a social relationship of a romantic nature. Factors to consider in determining whether a dating relationship exists or existed, include:

- a. the nature of the relationship;
- b. the length of time the relationship has existed;
- c. the frequency of the interaction between the parties; and
- d. the length of time since the relationship ended, if applicable.

**Stalking:** “Stalking” means engaging in a course of conduct that consists of following, lying in wait for, or harassing a person, when such conduct:

- a. serves no legitimate purpose; and
- b. would cause a reasonable person to fear for his or her physical safety or health, or would cause a reasonable person to suffer emotional distress.

“Following” means maintaining, over time, a visual or physical proximity to another person such that this other reasonable person would fear unlawful sexual conduct, unlawful restraint, bodily injury, or death.

“Harassing” means actions directed at a specific person, or a member of the person’s family, which would cause a reasonable person to fear unlawful sexual conduct, unlawful restraint, bodily injury, or death, including but not limited to verbal threats, written, telephonic, or other electronically communicated threats, vandalism, or physical contact without consent.

“Lying in wait” means hiding or being concealed for the purpose of attacking or harming another person.

### **Sexual Assault Policies, Information and Resources**

Physical abuse, sexual abuse, detention, intimidation, or threats of violence to any person (student, faculty, staff, employee, or guest) on any part of the College campus, at any College- sponsored event, or at off-campus sites involving Southern Vermont College students will be considered a serious violation.

Students found responsible for violating this policy will be subject to severe disciplinary sanctions up to and including separation from the College (as outlined in the “Most Serious Community Violations” section of the Student Handbook). Complaints involving an individual not associated with the College may require resolution with local law enforcement agencies, depending on the nature of the individual’s relationship with the College. Complaints involving an employee of the College will be handled under separate procedures for addressing employee misconduct.

## Title IX of the Education Amendments Act of 1972

### Title IX Coordinator:

**Kimberly Gould, Assistant Vice President of Strategic Initiatives**

Everett Mansion, Room 205

802-447-6333

[kgould@svc.edu](mailto:kgould@svc.edu)

### Deputy Coordinators:

**Allison Davis, Assistant Director of Student Affairs for Residence Life & Student Conduct**

Hunter Hall, S-115

802-681-2845

[allison@svc.edu](mailto:allison@svc.edu)

**Carol Sheringham, Director of Human Resources**

Everett Mansion, Room 200

802-447-6358

[csheringham@svc.edu](mailto:csheringham@svc.edu)

### Sexual Assault: Information and Resources

Southern Vermont College strives to create and maintain a working and learning environment in which people are treated with dignity, decency, and respect. The environment of the College is characterized by mutual trust and the absence of intimidation, oppression, and exploitation. Faculty, staff, and students are able to work and learn in a safe, yet stimulating atmosphere. For these reasons, SVC does not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and through education of faculty, staff, and students, SVC seeks to prevent, correct, and, when necessary, sanction behavior that violates this policy.

All faculty, staff, and students, regardless of their position, are covered by, and are expected to comply with, this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee or student who violates this policy.

Any SVC faculty or staff member who is found to have engaged in conduct prohibited under the policy is subject to disciplinary action according to procedures in the ***Human Resources Policies, Procedures and Benefits Manual***. Any SVC student who is found to have engaged in conduct prohibited under the policy is subject to disciplinary action according to the procedures in this ***Student Handbook***.

## **Reporting and Confidentially Disclosing Sexual Violence: Know the Options**

The College encourages survivors of sexual violence to talk to somebody about what happened so survivors can get the support they need and so the College can respond appropriately. Different employees on campus have different abilities to maintain a survivor's confidentiality.

1. Some are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication."
2. Other employees may talk to a survivor in confidence, and generally only report to the College that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger a College investigation into an incident against the survivor's wishes.
3. Thirdly, some employees are required to report all the details of an incident (including the identities of both the survivor and alleged perpetrator) to the Title IX Coordinator. A report to 52 these employees (called "responsible employees") constitutes a report to the College and generally obligates the College to investigate the incident and take the appropriate steps to address the situation.

This policy is intended to make students aware of the various reporting and confidential disclosure options available to them so they can make informed choices about where to turn should they become a survivor of sexual violence. The College encourages survivors to talk to someone identified in one or more of these groups.

### **The Options**

#### **1. Privileged & Confidential Communications**

##### **a. Professional and Pastoral Counselors**

Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are not required to report and information about an incident to the Title IX Coordinator without a survivor's permission.

Following is the contact information for these individuals:

Ashley Brooke Fox  
Director of Student Counseling Services  
Hunter Hall  
Phone: 802-447-6343

Leanne Yinger  
Counselor

Hunter Hall  
Phone: 802-447-6363

**b. Non-Professional Counselor**

This individual, who works in the on-campus Health Center, can generally talk to survivors without revealing any personally identifying information about an incident to the College. A survivor can seek assistance and support from this individual without triggering a College investigation that could reveal the survivor's identity or that the survivor has disclosed the incident.

While maintaining a survivor's confidentiality, this individual should report the nature, date, time, and general location of an incident to the Title IX Coordinator. This limited report, which includes no information that would directly or indirectly identify the survivor, helps keep the Title IX Coordinator informed of the general extent and nature of sexual violence on and off campus so the Coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, this individual will consult with the survivor to ensure that no personally identifying details are shared with the Title IX Coordinator. This individual will also report non-identifying information to Campus Safety so that the report can be included in the College's campus crime statistics and so that Campus Safety can determine whether a timely warning should be issued under guidelines established by the Clery Act.

Following is contact information for this non-professional counselor:

Deborah Berg  
College Nurse  
Hunter Hall  
Phone: 802-447-4355

A survivor who speaks to a professional or non-professional counselor or advocate must understand that, if the survivor wants to maintain confidentiality, the College will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator.

Even so, these counselors and advocates will still assist the survivor in receiving other necessary protection and support, such as survivor advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working, or course schedules, as described in the Services and Accommodations section above. A survivor who first requests confidentiality may later decide to file a complaint with the College or report the incident to local law enforcement, and thus have the incident fully investigated. These counselors and advocates will provide the survivor with assistance if the survivor wishes to do so.

Note: While these professional and non-professional counselors and advocates may maintain a survivor's confidentiality vis-à-vis the College, they may have reporting or other obligations under state law.

Also Note: If the College (i.e., the Dean of Students, Director of Campus Safety, or their designees) determines that the alleged perpetrator(s) pose(s) a serious and immediate threat to the College community, the College may issue a timely warning to the community. Any such warning should not include any information that identifies the survivor.

## **2. Reporting to “Responsible Employees”**

All SVC faculty, staff, and Resident Advisors are considered responsible employees, excluding Dining Service staff and the professional counselors and non-professional counselor identified above. A “responsible employee” is a College employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, who a student could reasonably believe has this authority or duty, and/or an employee identified in this policy.

When a survivor tells a responsible employee about an incident of sexual violence, the survivor has the right to expect the College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A responsible employee must report to the Title IX Coordinator all relevant details about the alleged sexual violence shared by the survivor and that the College will need to determine what happened—including the names of the survivor and alleged perpetrator(s), any witnesses and any other relevant facts, including the date, time, and specific location of the alleged incident.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the College’s response to the report.

Before a survivor reveals any information to a responsible employee, the employee should ensure that the survivor understands the employee’s reporting obligations—and, if the survivor wants to maintain confidentiality, direct the survivor to confidential resources.

If the survivor wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the survivor that the College will consider the requests, but cannot guarantee that the College will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Coordinator of the survivor’s request for confidentiality.

Responsible employees will not pressure a survivor to request confidentiality but will honor and support the survivor’s wishes, including for the College to fully investigate an incident. By the same token, responsible employees will not pressure a survivor to make a full report if the survivor is not ready to do so.

## **Requesting Confidentiality From the College: How the College Will Weigh the Request and Respond.**

If a survivor discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College's obligation to provide a safe, non-discriminatory environment for all students, including the survivor.

If the College honors the request for confidentiality, a survivor must understand that the College's ability to investigate the incident in a meaningful way and pursue disciplinary action against the alleged perpetrator(s) may be limited. Although rare, there are times when the College may not be able to honor a survivor's request in order to provide a safe, non-discriminatory environment for all students.

The College has designated the following individual(s) to evaluate requests for confidentiality once a responsible employee is on notice of alleged sexual violence:

Kimberly Gould  
Title IX Coordinator

When weighing a survivor's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including, but not limited to, the following:

1. The increased risk that the alleged perpetrator will commit additional acts of sexual or other violence, such as:
  - a. whether there have been other sexual violence complaints about the same alleged perpetrator;
  - b. whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
  - c. whether the alleged perpetrator threatened further sexual violence or other violence against the survivor or others;
  - d. whether the sexual violence was committed by multiple perpetrators;
  - e. whether the sexual violence was perpetrated with a weapon; f. whether the survivor is a minor;
  - g. whether the College possesses other means to obtain relevant evidence of the sexual violence (examples include security cameras or personnel, physical evidence); and

h. whether the survivor's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the College will likely respect the survivor's request for confidentiality.

**If the College determines that it cannot maintain a survivor's confidentiality,** the College will inform the survivor prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the College's response.

The College will remain ever mindful of the survivor's well-being and will take ongoing steps to protect the survivor from retaliation or harm and work with the survivor to create a safety plan. Retaliation against the survivor, whether by students or College employees, will not be tolerated. The College will also:

1. assist the survivor in accessing other available survivor advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus (see portion of policy identifying these);
2. provide other security and support, which could include issuing a no-contact order, helping arrange a change of academic, residential, transportation, or working arrangements or course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and
3. inform the survivor of the right to report a crime to local enforcement and provide the survivor with assistance if the survivor wishes to do so.

The College will not require a survivor to participate in any investigation or disciplinary proceeding.

Because the College is under a continuing obligation to address the issue of sexual violence campus wide, reports of sexual violence (including non-identifying reports) will also prompt the College to consider broader remedial action—such as increased monitoring, supervision, or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

**If the College determines that it can respect a survivor's request for confidentiality,** the College will also take immediate action to the extent practical to protect and assist the survivor.

## Miscellaneous

### “Take Back the Night” and other public awareness events

Public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, “survivor speak outs,” or other forums in which students disclose incidents of sexual violence, are not considered notice to the College of sexual violence for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the College will provide information about students’ Title IX rights at these events.

### Anonymous Reporting

Although the College encourages survivors to talk to someone, the College provides an online system for reporting, <https://svc.edu/student/campus-safety/concerned-at-svc>. The system will notify the user (before they enter information) that entering personally identifying information may serve as notice to the College for the purpose of triggering an investigation.

### Off-campus Counselors

Off-campus counselors, advocates, and healthcare providers will also generally maintain confidentiality and not share information with the College unless the victim requests the disclosure and signs a consent or waiver form.

Following is contract information for these off-campus resources:

#### **Project Against Violent Encounters (PAVE)**

24-hr Hotline: 802-442-2111

Phone: 802-442-2370

701 Main Street, Bennington, VT 05201

Office Hours: Monday-Friday, 8:00 a.m. – 4:30 p.m.

[Pave@pavebennington.com](mailto:Pave@pavebennington.com)

#### **United Counseling Services**

Phone Number: 802-442-5491

100 Ledge Hill Drive, Bennington, VT 05201

Office Hours: Monday-Friday, 8:00 a.m. – 5:00 p.m.

#### **Rape Crisis Emergency Line**

800-342-7273

**Bennington Police Department**

802-442-1030

**State's Attorney's Office, Bennington County**

802-442-8116

**Southwestern Vermont Medical Center (SVMC)**

802-442-6361

Note: While these off-campus counselors and advocates may maintain a survivor's confidentiality vis-à-vis the College, they may have reporting or other obligations under law.

Southern Vermont College's educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault, and stalking.

Student Affairs Division continues to educate about sexual responsibility through Resident Assistant (RA) Programming and campus wide programs. Each year, our goal is to help students be aware of choices around sexual behavior and responsibility. These programs are reported out at the end of the year to Campus Safety and Administration through the Board of Trustees report.

**Programs :**

**2017**

	<b>Month</b>	<b>Program</b>
1.	February	Sexual Assault Awareness
2.	February	Grease-y Relationships
2.	April	Screening Audrey and Daisy- documentary about sexual assault crimes against women
3.	September	Alcohol Awareness Trivia
4.	October	Fresh Check Day
5.	October	Fire Prevention Week
6.	October	The Hunting Ground Screening
7.	November	It's on Us Campaign

**2018**

	<b>Month</b>	<b>Program</b>
1.	February	Sexual Education/Violence Program
2.	February	"You Booze, You Lose" Alcohol Awareness Program
3.	April	"Kindness Matters" A program encompassing creating a safe community.

## **Title IX Compliance Modules:**

Title IX Module by Workplace Answers – all students, faculty, & staff

Student Power Plus Module by Workplace Answers – all students

Southern Vermont College strives to create and maintain a working and learning environment in which people are treated with dignity, decency, and respect. The environment of the College is characterized by mutual trust and the absence of intimidation, oppression, and exploitation. Faculty, staff, and students are able to work and learn in a safe, yet stimulating atmosphere. For these reasons, SVC does not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and through education of faculty, staff, and students, SVC seeks to prevent, correct, and, when necessary, sanction behavior that violates this policy.

All faculty, staff, and students, regardless of their position, are covered by, and are expected to comply with, this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee or student who violates this policy.

Any SVC faculty or staff member who is found to have engaged in conduct prohibited under the policy is subject to disciplinary action according to procedures in the Human Resources Policies, Procedures and Benefits Manual. Any SVC student who is found to have engaged in conduct prohibited under the policy is subject to disciplinary action according to the procedures in this Student Handbook.

## **Bystander Conduct**

Bystander Conduct - Students are expected to refrain from being in the presence of others who are violating College policies and rules. Students may be held accountable for their actions even if they are not participating in prohibited conduct. Students are expected to promptly report conduct or activity that poses a danger to the community or its members. In certain circumstances when a report is made of behavioral or conduct violations in an attempt to help students in need of medical attention or assistance, individuals may be given amnesty from conduct sanctions.

**The Vermont Statutes; Title 13: Crimes and Criminal Procedure**

**Chapter 72: Sexual Assault**

**Sub-Chapter 01: Crimes; Trial**

**13 V.S.A §3251. Definitions**

**§ 3251. Definitions**

As used in this chapter:

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

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

(3) “Consent” means words or actions by a person indicating a voluntary agreement to engage in a sexual act.

(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. 57

(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. (Added 1977, No. 51, § 1; amended 1985, No. 83, § 1; 1989, No. 293 (Adj. Sess.), § 4; 2005, No. 192 (Adj. Sess.), § 10, eff. May 26, 2006.)

**§ 3252. Sexual assault**

(a) No person shall engage in a sexual act with another person and compel the other person to participate in a sexual act:

(1) without the consent of the other person; or

(2) by threatening or coercing the other person; or

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

(b) No person shall engage in a sexual act with another person and impair substantially the ability of the other person to appraise or control conduct by administering or employing drugs or intoxicants without the knowledge or against the will of the other person.

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

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

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

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

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

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

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

(f) (1) A person who violates subsection (a), (b), (d), or (e) of this section shall be imprisoned not less than three years and for a maximum term of life, and, in addition, may be fined not more than \$25,000.

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

(g) A person convicted of violating subsection (a), (b), (d), or (e) of this section shall be sentenced under section 3271 of this title. (Added 1977, No. 51, § 1; amended 1985, No. 83, § 2; 1989, No. 293 (Adj. Sess.), § 5; 2005, No. 192 (Adj. Sess.), § 10, eff. May 26, 2006.)

### **§ 3253. Aggravated sexual assault**

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

(1) At the time of the sexual assault, the actor causes serious bodily injury to the victim or to another.

(2) The actor is joined or assisted by one or more persons in physically restraining, assaulting or sexually assaulting the victim.

(3) The actor commits the sexual act under circumstances which constitute the crime of kidnapping.

(4) The actor has previously been convicted in this state of sexual assault under subsection 3252(a) or (b) of this title or aggravated sexual assault or has been convicted in any jurisdiction in the United States or territories of an offense which would constitute sexual assault under subsection 3252(a) or (b) of this title or aggravated sexual assault if committed in this state.

(5) At the time of the sexual assault, the actor is armed with a deadly weapon and uses or threatens to use the deadly weapon on the victim or on another.

(6) At the time of the sexual assault, the actor threatens to cause imminent serious bodily injury to the victim or to another and the victim reasonably believes that the actor has the present ability to carry out the threat.

(7) At the time of the sexual assault, the actor applies deadly force to the victim.

(8) The victim is under the age of 13 and the actor is at least 18 years of age.

(9) The victim is subjected by the actor to repeated nonconsensual sexual acts as part of the same occurrence or the victim is subjected to repeated nonconsensual sexual acts as part of the actor's common scheme and plan.

(b) A person who commits the crime of aggravated sexual assault shall be imprisoned not less than ten years and a maximum term of life, and, in addition, may be fined not more than \$50,000.

(c) (1) Except as provided in subdivision

(2) of this subsection, a sentence ordered pursuant to subsection (b) of this section shall include at least a ten-year term of imprisonment. The ten-year term of imprisonment required by this subdivision shall be served and may not be suspended, deferred, or served as a supervised sentence. The defendant shall not be eligible for probation, parole, furlough, or any other type of early release until the expiration of the five year or ten-year term of imprisonment. (2) The court may depart downwardly from the ten-year term of imprisonment required by subsection (b) of this section and impose a lesser term of incarceration if the court makes 59 written findings on the record that the downward departure will serve the interests of justice and public safety, provided that in no event may the court impose a term of incarceration of less than five years.

(d) A person convicted of violating this section shall be sentenced under section 3271 of this title. (Added 1977, No. 51, § 1; amended 1989, No. 293 (Adj. Sess.), § 6; 2005, No. 79, § 10; 2005, No. 192 (Adj. Sess.), § 10, eff. May 26, 2006.)

#### **§ 3253a. Aggravated sexual assault of a child**

(a) A person commits the crime of aggravated sexual assault of a child if the actor is at least 18 years of age and commits sexual assault against a child under the age of 16 in violation of section 3252 of this title and at least one of the following circumstances exists:

(1) At the time of the sexual assault, the actor causes serious bodily injury to the victim or to another.

(2) The actor is joined or assisted by one or more persons in physically restraining, assaulting, or sexually assaulting the victim.

(3) The actor commits the sexual act under circumstances which constitute the crime of kidnapping.

(4) The actor has previously been convicted in this state of sexual assault under subsection 3252(a) or (b) of this title, aggravated sexual assault under section 3253 of this title, or aggravated sexual assault of a child under this section, or has been convicted in any jurisdiction in the United States or territories of an offense which would constitute sexual assault under subsection 3252(a) or (b) of this title, aggravated sexual assault under section 3253 of this title, or aggravated sexual assault of a child under this section if committed in this state.

(5) At the time of the sexual assault, the actor is armed with a deadly weapon and uses or threatens to use the deadly weapon on the victim or on another.

(6) At the time of the sexual assault, the actor threatens to cause imminent serious bodily injury to the victim or to another, and the victim reasonably believes that the actor has the present ability to carry out the threat.

(7) At the time of the sexual assault, the actor applies deadly force to the victim.

(8) The victim is subjected by the actor to repeated nonconsensual sexual acts as part of the same occurrence or the victim is subjected to repeated nonconsensual sexual acts as part of the actor's common scheme and plan.

(b) A person who commits the crime of aggravated sexual assault of a child shall be imprisoned for not less than 25 years with a maximum term of life, and, in addition, may be fined not more than \$50,000. The 25-year term of imprisonment required by this subsection shall be served and may not be suspended, deferred, or served as a supervised sentence. The defendant shall not be eligible for probation, parole, furlough, or any other type of early release until the expiration of the 25-year term of imprisonment. (Added 2009, No. 1, § 30, eff. March 4, 2009.)

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program. The Federal Bureau of Investigation's Uniform Crime Reporting Program defines these offenses as follows:

**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.

**Sex Offenses:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

A. **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.

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

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

Sexual assault can be committed by any person against another person, regardless of gender, gender identity, sexual orientation, or past or current relationship status. Sexual assault may occur with or without physical resistance or violence. Any incident meeting one

## **Discrimination:**

- a) It is a violation of this policy to discriminate in the provision of employment or educational opportunities, to create discriminatory work or learning conditions, or to use discriminatory evaluative standards if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, sex, national origin, age, religion, disability status, military/veteran status, or sexual orientation.
- b) Discrimination of this kind is also prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act 1964; Title IX of the Educational Amendments of 1972; the Age Discrimination in Employment Act of 1975; the Americans With Disabilities Act of 1990; the Family and Medical Leave Act; the Equal Pay Act, and Vermont discrimination statutes.
- c) Discrimination in violation of this policy will be subject to severe sanctions.

## **2. Harassment:**

Harassment, including sexual harassment, is prohibited by federal and state laws. This policy prohibits harassment, and SVC will take appropriate action to swiftly address any unlawful harassment. Harassment is defined as verbal or physical conduct that has as its effect to threaten, intimidate or coerce. Also included are verbal taunting (including racial and ethnic slurs) which, in the employee's or the student's opinion, impairs his or her ability to perform his or her job or studies.

Examples of inappropriate conduct are:

- (1) Verbal: Insulting comments, epithets, slurs or negative stereotyping, regarding a person's nationality, origin, race, color, religion, age, gender, sexual orientation, disability or other protected status.
- (2) Non-verbal: Distribution or display of any written or graphic material that ridicules, denigrates, insults, belittles, or shows hostility toward an individual or group because of national origin, race color, religion, age, gender, sexual orientation, disability, or other protected status.

## **3. Sexual Harassment:**

Sexual harassment is prohibited under this policy. Sexual harassment is a form of discrimination and is unlawful under Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972. According to these statutes, sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct is used as the basis for employment or educational decisions or such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working or learning environment."

Unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature constitute sexual harassment, when:

- a) such advances or requests are made under circumstances implying that one's response might affect educational or personnel decisions that are subject to the influence of the person making the proposal; or
- b) acceptance or rejection of such advances or requests is used as a basis for an employment or educational decision; or
- c) such speech or conduct is directed against another and is either abusive or severely humiliating, or persists despite the objection of the person targeted by the speech or conduct; or
- d) such speech or conduct is reasonably regarded as offensive and substantially impairs the academic or work opportunity of students, colleagues, or co-workers. If it takes place in the teaching context, it must also be persistent, pervasive, and not germane to the subject matter. The academic setting is distinct from the workplace in that wide latitude is required for professional judgment in determining the appropriate content and presentation of academic material.

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is unwelcome, that is personally offensive, and therefore interferes with work or learning effectiveness.

Sexual harassment may take different forms. Examples of conduct that may constitute sexual harassment are:

- (1) Verbal: Sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks, threats, requests for any type of sexual favor (this includes repeated, unwelcome requests for dates), and verbal abuse or "kidding" which is oriented towards a prohibitive form of harassment, including that which is sex oriented and considered unwelcome.
- (2) Non-verbal: The distribution, display, or discussion of any written or graphic material, including images, posters, and cartoons that are sexually suggestive, or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, e-mail, that is sexual in nature.
- (3) Physical: Unwelcome, unwanted physical contact, including but not limited to, touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling; forced sexual intercourse or assault.

There are three types of sexual harassment:

1. "*Quid pro quo*" harassment, where submission to harassment is used as the basis for employment or educational decisions.

*Quid pro quo* harassment occurs when employee benefits such as raises, promotions, working hours, etc., or student benefits such as grades, assignments, recommendations, etc. are directly linked to compliance with sexual advances.

Therefore, only someone with the authority to grant such benefits can engage in *quid pro quo* harassment. Example: A supervisor promising or implying a raise to an employee if she goes on a date

with him; a professor telling or suggesting to a student he will not get a recommendation for graduate school if he does not go out with her.

2. "Hostile work or learning environment," where the harassment creates an offensive and unpleasant working or learning environment.

Hostile environment can be created by anyone in the work or learning environment, whether it is supervisors, fellow employees, professors, students, or outside contractors. Hostile environment harassment consists of language of a sexual nature, unwelcome sexual materials, or unwelcome physical contact as a regular part of the work or educational environment. Cartoons or posters of a sexual nature, vulgar or lewd comments or jokes, or unwanted touching or fondling all fall into this category. Again, it is recognized that the academic setting is distinct from the workplace in that latitude is required for professional judgment in determining the appropriate content and presentation of academic material.

3. "Gender-based hostility", where an individual or individuals are harassed because of their gender.

## **Sexual Harassment: Information and Resources**

### **What those who are harassed should do:**

- a) SVC wants to stop inappropriate behavior, especially before it becomes a violation of law. The College cannot solve a problem of which it is not aware. Report inappropriate behavior.
- b) Review the complaint procedures set forth in this document.
  - Contact the Director of Human Resources to file a complaint against a *faculty or staff member*. If the Director of Human Resources is unavailable or if you are uncomfortable reporting to the Director of Human Resources, you may report to the Vice President of Administration & Finance.
  - Contact the Dean of Students to initiate a complaint against a *student*. If the Dean of Students is unavailable or if you feel uncomfortable reporting to the Dean of Students, you may report to the Director of Human Resources.
  - Contact the Vice President of Administration & Finance to initiate a complaint against a non-SVC community member (contractor, vendor, etc.). If the Vice President of Administration & Finance is unavailable you may report to the Director of Human Resources.
  - **What to do if you observe discrimination or harassment:**
    - If you become aware of discrimination or harassment, either from personal observation or as a result of an employee or student coming forward, you should immediately report it to the Director of Human Resources or alternate (faculty or staff alleged violator); the Dean of Students or alternate (student alleged violator); Vice President of Administration & Finance (non-SVC community member).

- *Special reporting situations:* Allegations of discrimination or harassment alleged against the Human Resources Director should be reported to the President. Allegations of discrimination or harassment by the President should be reported to the Chair of the Board of Trustees.
- Any person using the complaint resolution procedure will be treated courteously, the problem handled swiftly and as confidentially as feasible in light of the need to take appropriate corrective action, and the registering of a complaint will in no way be used against the employee or student, nor will it have an adverse impact on the individual's employment or educational status. While reporting such incidents can be a difficult personal experience, allowing discrimination or harassment activities to continue will most certainly lead to less desirable outcomes. For that reason, faculty, staff, and students are required to utilize this procedure. However, filing groundless and malicious complaints is an abuse of this policy and is prohibited.
- **RESPONSIBILITIES**
- All SVC faculty, staff, and students must share the responsibility of understanding and preventing discrimination and harassment. Ultimately, no satisfactory investigation or resolution of complaints can occur without the initiative and continued cooperation of the complainant.
- ***Duty to Report***
- *Administrators, Managers, Supervisors and Faculty have the special legal responsibility to act promptly to eliminate any discrimination or harassment that exists in their areas of responsibilities, including not only employment but educational programs and student life. If an Administrator, Supervisor, Manager, or Faculty knows, believes, or suspects that discrimination, harassment or retaliation is occurring, or receives information that discrimination, harassment or retaliation might be occurring, he or she must take immediate action to address the problem. Such action should include, but is not limited to, speaking directly with the injured person, developing a specific account of the actions, omissions or occurrences that are alleged to be discriminatory or harassing, and consultation with the Human Resources Director.*
- **CONFIDENTIALITY**
- SVC wishes to create a safe environment in which individuals are not afraid to discuss concerns and complaints, or to seek general information about discrimination, harassment, and retaliation. The College recognizes that individuals may be concerned about the confidentiality of information they share, and will strive to preserve confidentiality to the fullest extent possible.
- The Counseling Office provides confidential counseling services to SVC students. The Employee Assistance Program (EAP) provides confidential counseling services to employees. Persons wishing to discuss confidentially an incident of possible discrimination, harassment or retaliation, or persons seeking information and advice without committing to future action, are encouraged to contact the Office of Counseling or the Employee Assistance Program. The role of the counselor in such cases will be limited to personal counseling and treatment of the person. Faculty, staff, or students seeking guidance from licensed counselors may invoke a privilege of confidentiality. Faculty, staff, or students who seek confidential advice from counselors will not be deemed to have filed a formal complaint with SVC.

- SVC will take prompt responsive action once informed that discrimination, harassment or retaliation has occurred or may be occurring by conducting an investigation.
- Confidentiality will be maintained to the extent practicable. During the investigative process, any information gathered, or any notes or documents written by or received by the person(s) conducting the investigation will be shared only with those who have a legitimate need to know and as required by law.

- **RETALIATION**

- No hardship, no loss or benefit, and no penalty may be imposed on an employee or student as punishment for:
  - a. Filing or responding to a bona fide complaint of discrimination or harassment;
  - b. Appearing as a witness in the investigation of a complaint; or
  - c. Serving as, or assisting, an investigator or otherwise acting to enforce the policy.
- Retaliation or attempted retaliation is a violation of this Policy and anyone who does so will be subject to severe sanctions.

- **DISCRIMINATION/HARASSMENT AWARENESS EDUCATION**

- The Human Resources Director will ensure that appropriate Discrimination/Harassment Awareness Education is provided to SVC faculty and staff. The Dean of Students will ensure that appropriate Discrimination/Harassment Awareness Education is provided to all SVC students.

- **Vermont State Sex Offender Registry**

- The Vermont State Sex Offender Registry was established in 1996 and is maintained by the Vermont Criminal Information Center (VCIC). Local law enforcement agencies and the Vermont Crime Information Center are authorized to release relevant registry information to the public when the requestor can articulate a specific concern about their safety or the safety of another. State statute requires that the requestor provide the name of a subject as the basis for the query. Queries made to law enforcement agencies or VCIC may not be done by street address or town.
- Registry information can be obtained in several ways:
  - **Internet:** Sex Offender Registry inquiries can be made online at: <http://vcic.vermont.gov/sor>
  - This site does not contain the names of all the registered sex offenders in Vermont. Please contact your local law enforcement agency or the Vermont Sex Offender Registry at 802-241-5400 for further information.
  - **Telephone:** Sex Offender Registry inquiries can be made by phone by calling (802)241-5400.

- **Local Police Department:** Sex Offender Registry inquiries can be made at the Bennington Police Department, which is located at 118 South Street in downtown Bennington.

## **Student Code of Conduct:**

### **Conduct Review System**

In the case of misconduct or violation of College policy, the Dean of Students or designated representative may, at her discretion, either settle the problem in accordance with College policy or refer a formal complaint to one of the hearing bodies.

Reports of student misconduct and disciplinary records from any judicial process are kept in the Office of the Dean of Students, and all information is considered confidential. Students failing to appear for a hearing when called by a conduct agency, failing to cooperate with an investigation, providing false information, and/or intentionally interfering with an investigation will be considered in violation of College policy and may be subject to disciplinary action.

Acts which constitute violations of local, state, or federal laws and the student conduct policy may result in students being accountable to both governmental authorities and the College. These acts may be referred to governmental authorities by the College. The College may take disciplinary action separately from any criminal or civil proceedings and its actions will not be subject to challenge on the grounds that criminal charges involving the same incident are in litigation and/or have been dismissed or reduced.

### **Fair Practice in Conduct Matters**

Students have the right to a fair process in addressing alleged violations of the Student Code of Conduct. Southern Vermont College's conduct process follows procedures of "Fair Practice." Fair Practice is a flexible term generally indicating that the student accused of a violation of the Student Code of Conduct will be provided with reasonable notice of the alleged violation(s) and an opportunity to be heard. Fair Practice normally includes written notification to the student of the alleged violation of the Student Code of Conduct, an administrative meeting or a hearing by the Conduct Review Board, and the right of appeal.

### **Initiating a Complaint**

All complaints concerning infringement of student rights and/or alleged violations of the Student Code of Conduct shall be responded to through the Southern Vermont College conduct system. This response shall apply to individual students and student groups.

Any member of the Southern Vermont College community may initiate the College's judicial process by alleging a violation by a student. This includes, but is not limited to, students, faculty, staff, and campus organizations and departments. Complaints must be submitted in writing to the Dean of Students within

45 days from the time the Complainant (person submitting the complaint) became aware of the alleged violation. This excludes reports of sexual misconduct, dating/domestic violence or stalking, which do not have a time limitation; however, the College encourages individuals to make reports of such misconduct as soon as reasonably possible to best preserve the integrity of relevant information. The written complaint should present any allegations concerning specific violations of the Student Code of Conduct and the names of the student(s) responsible for one or more of these violations.

### **Interim Measures**

An interim measure; i.e., a measure imposed before completion of the conduct review process, may be imposed by the Dean of Students or her designee if there is a reasonable belief that:

1. a student's own safety and/or well-being is at risk;
2. a student poses a threat to the health and/or safety of any members of the College community;
3. a student poses a threat of disruption or interference with the normal operations of the College.

Interim measures may include, but are not limited to:

**Suspension from the College** – While interim suspension status is in effect, a student is denied access to classes, activities, and facilities pending resolution of the judicial case or completion of the adjudication process.

**Campus Restriction** – While campus restriction is in effect, a student is allowed access to classes; however, access to any activities, campus facilities, and campus property is denied.

**No-Contact Order** – While a no-contact order is in effect, a student is instructed not to engage in either direct or indirect contact with the Complainant(s) and witnesses. Methods of contact include, but are not limited to, verbal exchange, telephone, email, text message, letter, and communication via another party on the student's behalf.

### **Conduct Process**

**Conduct Review** - The Dean of Students, or designee, determines the path a case will follow in the conduct system. Most cases are typically handled at the Administrative Meeting level. However, a case can be sent directly to the Conduct Review Board, depending on the level of severity of the situation, a student's conduct history or at the discretion of the Dean of Students.

All members serving in any Conduct Review process have been trained in the Student Code of Conduct, College Policies and procedures, and will be appointed on a yearly basis.

1. **Administrative Meeting:** A member of the Student Affairs staff will conduct a meeting with the student(s) alleged to have violated the Student Code of Conduct (Respondent). The purpose of this meeting is to create an opportunity for

educational conversation, and follow-up and resolution, of alleged violations. The Student Affairs staff member will determine if the Respondent is responsible or not for the alleged violation and, if necessary, determine appropriate sanctions.

Students are required to attend Administrative Meetings. If a student is unable to attend an Administrative Meeting, the student is required to contact the administrator via email within 24 hours to reschedule. Failure to attend a conduct meeting without rescheduling will result in a \$50 administrative fee and a mandatory rescheduled meeting. Failure to attend or reschedule the second meeting will result in an additional \$25 administrative fee, and the student will be sanctioned in absentia and forfeit his or her right to appeal the sanction. All administrative fees will be placed on the student's account.

2. Conduct Review Board (CRB). The CRB can hear cases involving serious violations or repeated minor violations of College policy where a student may be removed from College housing or separated from the College, or if it is more reasonable to have a review board based on the circumstances of a given case. The CRB quorum consists of two staff and/or faculty members. Members of the Conduct Review Board will be selected by the Dean of Students or her designee.

#### **Procedure for Conduct Review Board Hearings:**

1. **Referral Time Frame.** Typical cases referred to the Conduct Review Board (CRB) will be handled as soon as is reasonably practical. Typically, after a complaint is filed, cases will be heard within a two-week period. The Dean of Students may make exceptions as deemed necessary. The only reason an individual may not attend a hearing is due to a scheduled class or intercollegiate athletic game. Generally, in cases of a particularly serious nature and/or having a serious outcome (such as suspension), an intercollegiate athletic game may not be considered an excuse.
2. **Notification.** Upon receiving a referral of a case for resolution, the Chair will notify all involved persons and members of the hearing body of the scheduled hearing. The student responding to the complaint (Respondent) will be provided with a written statement of the complaint and will be granted access to copies of all relevant materials. Once a student is verbally notified of an alleged policy violation in a given incident, it is the student's responsibility to check his or her email for follow-up information from a member of the staff of the Dean of Students.
3. **Written Statements.** A written statement by the Respondent must be provided to the Chair at least 24 hours in advance of the hearing. This statement will be shared with the Complainant as soon as it is reasonably practical.
4. **Attendance.** If the Respondent chooses not to speak at or attend the hearing, the CRB procedures will still be followed and sanctions, if appropriate, will be imposed. Failure of the respondent to appear may also result in additional complaints.
5. **Individuals Permitted at the CRB.** During the review, normally only the Chair, Complainant, the Respondent, CRB members, witnesses and advisors may be present. Witnesses shall be present only when sharing information with the CRB, unless noted at the discretion of the Chair and may not act as an advisor from the campus community in the same hearing. At the request of a hearing participant, the Chair will take appropriate action to maintain a safe

environment for all parties. Such action may include offering a physical separation of the parties during the hearing and/or adding the presence of a Campus Safety Officer at the hearing.

6. **Advisor from Campus Community.** Both the Complainant and the Respondent may request the assistance of an advisor from within the Southern Vermont College community. Neither the Complainant nor the Respondent may have an attorney present during the hearing, unless the party is also facing criminal prosecution in connection with the same reported misconduct; in such cases, the attorney may advise their client privately but may not speak at the hearing or address the administrative officer or CRB. If the advisor will be in attendance at the hearing, his/her name

must be shared with the Chair at least 24 hours in advance of the hearing. During the hearing, the advisor's role will be limited to consultation with the advisee. The advisor may not also be a witness for either the Complainant or Respondent.

7. **Witnesses.** Names of witnesses being called by either party must be given to the Facilitator at least 24 hours in advance of the hearing. These names will be provided to the other party as soon as is practical thereafter. Neither the Complainant nor the Respondent has a right to compel witnesses to appear or speak but both may request the Dean of Students or the Facilitator to do so with sufficient notice. Witnesses shall only be allowed to share information that is factual and directly pertinent to the specific incident being reviewed; character references will not be heard.

The hearing body may require the cooperation of any member(s) of the Southern Vermont College community in providing information during the hearing. However, no member of the College staff with whom the Complainant or Respondent has entered into a confidential relationship can be required to give information arising from that role without the permission of the Complainant or Respondent.

8. **Audiotape Recording.** All information shared at the hearing will be audiotaped. The deliberations by the CRB will not be taped. The tape is the property of the College.

9. **Questions and Answer Format.** During a hearing, the hearing body will allow the Complainant, the Respondent and witnesses to share information via a question and answer format. The Complainant and Respondent will have the opportunity to ask questions of each other and of witnesses through the Chair.

10. **Civility.** The Chair will promote a civil and respectful proceeding. Hence, the Chair reserves the right to remove any individual who impedes the judicial process.

11. **Recess/Continuance.** A case may be recessed or continued at the hearing body's discretion.

12. **Evidentiary Standard.** The CRB shall invoke the evidentiary standard Preponderance of Evidence, which means "more likely than not," when determining whether a violation has occurred.

13. **Responsible/Not Responsible.** Following completion of the hearing, the Board members shall decide whether or not each Respondent is responsible for the violation(s) of the Student Code of Conduct.

14. **Deliberation and Sanctioning.** The CRB's deliberation to determine responsibility and sanction, if appropriate, are confidential, not recorded and only the hearing body members are entitled to be present. On occasion, for training purposes, additional people may be entitled to be present. If the

majority decides the Respondent is responsible for a violation and a sanction is deemed appropriate, a separate majority vote will take place to determine the sanction that will be imposed. Pertinent records of previous disciplinary action may be used in determining an appropriate sanction

**15. Respondent & Complainant Notification.** the final decision will be delivered simultaneous (normally within three business days) in writing to both the Respondent & Complainant

### **Procedure for Cases Related to Sexual Misconduct, Dating/Domestic Violence, Stalking, or Related Retaliation:**

#### **Definitions**

##### **Complainant**

A complainant is usually an individual filing a complaint of a violation of the College's policy against sexual misconduct, dating/domestic violence, stalking and related retaliation. In some cases (such as, e.g., cases in which a person involved in an incident of alleged sexual misconduct, dating/domestic violence, stalking and/or related retaliation does not wish to participate in the process but the College decides that the alleged misconduct needs to be investigated), the College may pursue an investigation and adjudication under this policy without a designated complainant. In these cases the College may extend some or all of the rights of a complainant as defined in this policy to affected parties as deemed appropriate by the Dean of Students or Title IX Coordinator or designee.

##### **Respondent**

A respondent is an individual whose alleged conduct is being investigated to determine if it is in violation of the College's policy against sexual misconduct, dating/domestic violence, stalking, and related retaliation.

##### **Covered Third Parties**

Under Title IX and/or Southern Vermont College policy, some individuals such as, for example, high school students visiting campus for a recruiting program, visiting student athletes, or other third parties who participate in the College's programs or activities, are protected from sexual misconduct, dating/domestic violence, stalking, and related retaliation arising out of those programs or activities. Such individuals will be referred to in this policy as "covered third parties." Thus, any covered third party who participates in any Southern Vermont College program or activity may report a complaint of sexual misconduct, dating/domestic violence, stalking and/or related retaliation under this policy, as applicable. The College will determine in its discretion how to handle cases involving covered third parties.

#### **Procedural Overview**

The College's procedures for handling reports of sexual misconduct, dating/domestic violence, stalking, or related retaliation will be prompt, fair, and impartial from the initial investigation to the final result, in that they will be:

- Completed within reasonably prompt time frames as designated in the College's policies, which time frames may be extended for good cause and/or due to extenuating circumstances, with written notice to the complainant and the respondent of the delay and the reason for the delay, as noted in more detail below;
- Conducted in a manner that is consistent with the College's policies and transparent to the complainant and the respondent, including timely notice of meetings at which the complainant or respondent may be present, and providing the complainant, the

respondent, and appropriate College officials with any information that will be used during the College's process in accordance with the policies herein; and

- Conducted by officials who do not have a conflict of interest or bias for or against the complainant or the respondent.

If either party is concerned that an official involved in an investigation or hearing process (such as, for example, an investigator, administrator, or hearing board member) may be biased or have a conflict of interest, the party should share their concerns immediately. Concerns of this nature should be shared with the Dean of Students, unless the concern is about the Dean of Students, in which case the concerns should be shared with the Title IX Coordinator. The official with whom the concern is shared will consider the concern and inform the parties of a decision as to whether any related action is appropriate and whether an alternate will be appointed. If an alternate is appointed, the alternate shall have the same authority as the designated official.

### **Training**

Individuals conducting investigations and/or adjudications under this policy will receive training annually on issues related to sexual misconduct, dating/domestic violence, stalking, and related retaliation and on how to conduct an investigation and/or adjudication process that protects the safety of complainants and promotes accountability.

### **Services and Accommodations**

It is not necessary to file a complaint, participate in an adjudication process, or file a criminal complaint in order to request services or accommodations from the College. These may include but are not limited to:

- No Contact Orders restricting encounters and communications between the parties;
- Academic accommodations, including but not limited to deadline extensions, incompletes, course changes or late drops, or other arrangements as appropriate;
- Residential accommodations, including but not limited to arranging for new housing, or providing temporary housing options, as appropriate;
- Changing transportation or working arrangements or providing other employment accommodations, as appropriate;
- Assisting the individual in accessing support services, including, as available, victim advocacy, academic support, counseling, disability, health or mental health services, visa and immigration assistance, student financial aid services, and legal assistance both on and off campus, as applicable;
- Informing the individual of the right to report a crime to local law enforcement and/or seek orders of protection, restraining orders, or relief from abuse orders from United States courts, and providing assistance if the individual wishes to do so. The College will also work with complainants and others as appropriate to respect and implement the requirements of such orders on premises that it owns or controls, as necessary and appropriate.

Students and employees seeking services, protective measures, and/or accommodations should direct their request to the Title IX Coordinator or a deputy Title IX Coordinator. The request will be evaluated and responded to by the Title IX Coordinator, a deputy Title IX Coordinator, or designee. The College will maintain as confidential any services, accommodations, or protective measures provided to complainants, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the services, accommodations, or protective measures.

### **Pursuing a Criminal Complaint**

In addition to (or instead of) utilizing the College's processes, any student who wishes to report a complaint of sexual misconduct, dating/domestic violence, and/or stalking under this policy may and should also pursue criminal charges with local or state law enforcement agencies (contact Bennington Police Department, 802-442-1030, and/or Vermont State Police, 802-241-5000, for information). The College will offer and upon request provide assistance to students in contacting law enforcement agencies. These options are available regardless of whether an individual chooses to file a complaint with the College. Individuals have the option to notify such agencies with or without assistance from the College, and have the option not to notify such authorities personally.

In addition to (or instead of) the College's processes, individuals who are being or who may have been subjected to sexual misconduct, dating/domestic violence, and/or stalking may also have the right to pursue orders of protection, restraining orders and/or relief from abuse orders from courts. The College will support individuals if they wish to have the College's assistance in making contact with law enforcement authorities and other external resources to seek such orders. The College will respect such orders to the extent applicable. In addition, the College can also issue No Trespass Notices and/or impose no-contact conditions on students, employees, and third parties over whom it has some measure of control.

### **Medical Care and Evidence Preservation**

Any individual who may be experiencing or has experienced sexual misconduct, dating/domestic violence, and/or stalking is encouraged to seek immediately any necessary medical care and to seek help from appropriate Southern Vermont College, law enforcement, and/or medical personnel, even if the individual is uncertain about whether ultimately to pursue a complaint or criminal charges, or to seek a protective order. It is important for individuals to preserve all possible evidence in case they decide at some point to do so. Therefore, if at all possible, they should refrain from changing clothes, showering, or otherwise changing their physical state after an incident, until after consulting with medical personnel about how to best preserve evidence. They should also preserve any available physical evidence, documents, or electronic evidence (such as, for examples, text messages, photographs, social media posts, etc.).

### **Amnesty**

While not condoning infractions of any kind, the College considers reporting incidents of sexual misconduct, dating/domestic violence, and/or stalking to be of paramount importance. Therefore, to encourage reporting, the College may, where appropriate, offer leniency with respect to other policy violations that may be revealed as a result of a report, particularly those involving underage drinking or drug use. The nature and scope of the leniency will depend on the particular circumstances involved. The Title IX Coordinator, Dean of Students, and/or other supervisory authority, as appropriate, will have sole discretion in determining the appropriate course of action. Individuals should understand that the use of alcohol or drugs never makes them at fault for sexual misconduct, dating/domestic violence, and/or stalking committed against them, nor does it mitigate accountability for committing these prohibited behaviors against another.

## The Investigation and Hearing Process

1. **Time Frame.** Sexual misconduct, dating/domestic violence, stalking, and/or related retaliation cases referred to the Conduct Review Board (CRB) will be handled as soon as is reasonably practical but typically no longer than 60 days after the receipt of a formal complaint, unless the time for the investigation or hearing process needs to be extended for good cause. Good cause could include, but is not limited to, circumstances where additional time is necessary to ensure the integrity and completeness of the investigation, where College breaks occur during an investigation, where required by the complexity of the case and/or the number of witnesses who need to be interviewed, where parties or witnesses are temporarily unavailable, or where law enforcement has requested that the College delay its investigation temporarily so that evidence can be gathered to support a criminal investigation, or for other legitimate reasons. The Dean of Students will notify the parties in writing of any extensions and the reason for such extensions. The Dean of Students will also consider extension requests from the parties.

2. **The Investigation.** Reports of sexual misconduct, dating/domestic violence, stalking, and/or related retaliation submitted to the Title IX Coordinator will be investigated fairly and impartially by an appointed Investigator and an assistant to the Investigator. The Investigator may be a Campus Safety Officer, a Student Affairs staff member, or outside investigator. There will also be an assistant to the investigator who will be an SVC staff member. The Investigator will interview the Complainant and Respondent and any witness(es) to the violation as well as any relevant information regarding the violation, which may include but is not limited to: emails, text messages, written documents, photographs, social media, phone calls/voice mail messages, or other relevant forms of contact.

It should be noted that the independent sexual history of the Complainant or the Respondent will not be used as evidence during the investigation.

3. **Audiotape Recording.** If either the Respondent or Complainant has an objection to the audiotaping of their respective statements, during the investigation or the CRB, notice of this objection must be given in writing to either or both the Investigator or the Chair at least 24 hours in advance of the investigative meeting or CRB. In the event an objection is given, provisions will be made to document the hearing information in writing. The deliberations by the CRB will not be taped. The tape is the property of the College, and it will be preserved only until the conclusion of any appeal process.

4. **Advisor of Choice.** 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 and hearing process under this policy. The advisor may advise the complainant or respondent privately, but cannot act as a speaking advocate at an interview, meeting, or hearing. An Investigator, CRB Chair, or other College representative may terminate meetings and proceed with the investigation or hearing based on otherwise-available information if an advisor refuses to comply with these requirements.

5. **Witnesses and Evidence.** Both the Respondent and Complainant may submit names, in writing, to the Investigator. The Investigator may require the cooperation of any member(s) of the Southern Vermont College community in providing information during the investigation. However, no member of the College staff with whom the Complainant or Respondent has entered into a confidential relationship can be required to give information arising from that role without the permission of the Complainant or Respondent.

Investigations will be conducted individually and will be documented and audio recorded. When the investigation is complete and the full report is generated, the Complainant, Respondent, and witness(es)

will have the opportunity to review any information that will be used during a CRB hearing and may provide written feedback. Both the Complainant and the Respondent will be provided with timely and equal access to such information.

Rules of evidence applicable in court proceedings do not apply in the College's process. The evidentiary materials may include information generated or gathered that the Investigator and/or CRB ultimately deem immaterial. Both parties are invited to comment on the relevance, weight, and substance of the evidentiary materials through their written responses. The evaluation of evidence by the Investigator and/or CRB includes consideration of its relevance, materiality, and credibility. Investigators and/or the CRB Chair are empowered to make evidentiary determinations.

6. **The Investigative Report.** The Investigator will create a report to submit to the Title IX Coordinator and the Chair of the CRB. The Complainant and Respondent will be able to review the report. The CRB will review the materials compiled by the Investigator and determine if any further questioning needs to occur. The CRB members will consist of two Southern Vermont College faculty and/or staff members. If the CRB has any further questions for the Complainant, Respondent, or witness(es), the Investigator will contact the individuals and continue the investigation.

7. **Individuals Permitted at the CRB.** At no time will the Complainant and the Respondent appear in the same room together. The CRB may have the Investigator and/or Assistant Investigator available for consultation.

8. **The CRB/Adjudication Meeting.** After the Investigator submits the final report with questions from the Conduct Review Board answered as reasonably possible, the CRB members will meet. The CRB members will be given evidence compiled by the Investigator and will include interviews of the Complainant, Respondent, witness(es), and any pertinent information to the case. The CRB will not utilize any information regarding previous conduct history of either the Complainant or Respondent unless a determination of responsibility occurs (see #12 below).

9. **Personal Statements (optional).** Once the CRB has convened, both the Complainant and Respondent will have the option to present separately a 20-minute in person or recorded statement to the Board. The Complainant and Respondent will need to confirm in writing, 24 hours in advance, to the CRB Chair if they would like the opportunity to present a statement to the Board. Statements made to the Board will be recorded (see below for more information regarding Audiotape Recordings).

10. **Evidentiary Standard.** The CRB shall use the evidentiary standard Preponderance of Evidence, which means "more likely than not," when determining whether a violation has occurred.

11. **Responsible/Not Responsible.** The CRB will utilize the Investigative Report, along with the Respondent/Complainant statements, to determine whether or not a Respondent is responsible for the violation(s) of the Student Code of Conduct.

12. **Deliberation and Sanctioning.** The CRB's deliberation to determine responsibility and sanction, if appropriate, are confidential, not recorded, and only the hearing body members are entitled to be present. If the CRB decides the Respondent is responsible for one or more violations, the discussion will continue to determine the sanction that will be imposed. Pertinent records of previous disciplinary action will be used in determining an appropriate sanction.

13. **Respondent and Complainant Notification.** At the conclusion of the conduct review proceeding, the final written decision will be delivered (normally within three business days of the CRB meeting) in

person, simultaneously to both the Respondent and Complainant from the Chair of the CRB or his or her designee. If it is not possible to deliver the resolution in person, the Complainant and Respondent will be notified via email simultaneously. The written notification will also include notification of the rationale for the result and any sanctions, any applicable procedures to appeal the result, any change to the result following an appeal, and when such results become final.

14. **Sanctions.** Students found responsible for violating the College's policy against sexual misconduct, dating/domestic violence, stalking, and/or related retaliation will potentially be subject to the sanctions listed in the Status for Violations and Sanctions for Violations sections immediately below.

### **Status for Violations**

A Judicial status may be imposed on a student found responsible for violating the Student Code of Conduct. The following disciplinary statuses may be imposed for violations of College regulations. Depending on the circumstances, more than one status may be imposed. Disciplinary action is determined on a case-by-case basis. Therefore, when types of disciplinary actions are referred to throughout this handbook as being likely in the event of certain misconduct, understand that these references are only for the sake of example; that is, all levels of College discipline, up to and including expulsion, are potentially appropriate violation of policy, depending on the circumstances.

**Conduct Warning** – A letter indicating that a student has been found responsible for a violation of policy of the Student Code of Conduct and placed on the third most serious form of warning. This sanction will be in effect for a specified period of time and indicates that, if the student is again found in violation of the Student Code of Conduct during the period of this status, a sanction of Conduct Probation or greater will likely be necessitated. Legal guardians of dependent students, academic advisors, coaches, and Director of Mountaineer Scholars (if the student is a Mountaineer Scholar) will be notified of the decision.

**Conduct Probation** – Formal notice that a student's status at the College is in jeopardy as a result of one or more violations of the Student Code of Conduct. This sanction will be in effect for a specified period of time and indicates, if the student is found in violation of the Student Code of Conduct during the period of this status, the imposed sanction may include Residential Suspension or Expulsion, Suspension from the College, or Expulsion from the College. Restrictions generally associated with conduct probation may include, but are not limited to, qualifications for prizes and participation in and/or attendance at College extracurricular activities, including intercollegiate athletics. Legal guardians of dependent students, academic advisors, coaches, and Director of Mountaineer Scholars (if the student is a Mountaineer Scholar) will be notified of the decision.

**Residential Suspension** – Temporary dismissal from College-owned housing for a specified period of time and without financial reimbursement. After this period is concluded, the student may regain his or her ability to live in a residence hall following an interview with the Dean of Students or her designee. A residentially suspended student may not enter any College owned housing during this time. Legal guardians of dependent students, academic advisors, coaches, and Director of Mountaineer Scholars (if the student is a Mountaineer Scholar) will be notified of the decision.

**Residential Expulsion** – Permanent expulsion from College-owned housing without financial reimbursement. A residentially expelled student may not enter any College owned housing for the remainder of his/her College career. Legal guardians of dependent students, academic advisors, coaches, and Director of Mountaineer Scholars (if the student is a Mountaineer Scholar) will be notified of the decision.

**Campus Restriction** – While campus restriction is in effect, a student is allowed access to classes; however, access to any activities, campus facilities, and campus property is denied. Legal guardians of dependent students, academic advisors, coaches, and Director of Mountaineer Scholars (if the student is a Mountaineer Scholar) will be notified of the decision.

**Suspension from the College** – Temporary dismissal from the College for a specified period of time. After this period is concluded, the student may resume his or her studies following an interview with the Dean of Students or her designee. A suspended student may not engage in College activities, use any College facilities, or be on College property without expressed permission from the Dean of Students or her designee. During the period in effect, suspension is recorded on the student’s academic record. Upon the student’s reinstatement, this notation is permanently removed from the academic records, and he/she will be considered eligible for registration in compliance with academic policy. Any further incidents of misconduct after the student is readmitted may result in disciplinary dismissal. Legal guardians of dependent students, academic advisors, coaches, and Director of Mountaineer Scholars (if the student is a Mountaineer Scholar) will be notified of the decision.

**Expulsion from the College** – Permanent dismissal from the College without the right to return. An expelled student no longer has the privileges of matriculated students and may not engage in College activities, use any College facilities, or be on College property. Expulsion is recorded on the student’s transcript. Legal guardians of dependent students, academic advisors, coaches, and Director of Mountaineer Scholars (if the student is a Mountaineer Scholar) will be notified of the decision.

#### **Disclosure of Sanctions**

- Graduate schools, professional schools, and College programs (such as, for examples, Study Abroad and Internships) may request information about a student’s Disciplinary Standing. They will be informed that a student is not in good Disciplinary Standing if the student’s judicial status was ever Conduct Probation or any form of Suspension or Expulsion. It will be assumed that a request for a Dean’s recommendation provides implied permission for release of this information.
- Complainants will be informed of sanctions and the rationale for sanctions to the extent required and/or permitted by Clery Act and FERPA regulations.

#### **Sanctions for Violations**

Special sanctions directly related to individual cases may be imposed in place of, or in addition to, other imposed sanctions. Examples of possible sanctions follow:

- substance abuse education;
- substance abuse counseling;
- restitution: payment for property loss/damage;
- fines;
- fire safety fees;
- community work hours;
- loss of privileges: denial of specified privileges for a designated period of time; and
- required assignment; i.e., written apology, paper, program.

## Appeals

If a student is found responsible and sanctioned by the Conduct Review Process, the student has the right to an appeal. However, if a student fails to schedule and attend a second Administrative Meeting, the right to appeal will be forfeited. Appeals must be made in writing to the Dean of Students or designee within three (3) business days of the original decision; after that time, an appeal will not be heard. However, if the Dean of Students is unavailable or there is a conflict of interest, a designee will serve as the appeal officer. All appeal decisions are final.

**Criteria for Appeals:** There are three criteria for appeals. The purpose of an appeal is not to rehear a case but, instead, to determine if one or more of the below three tenets of appeals were not followed. All appeals must be based on one or more of these criteria for consideration:

1. grossly inappropriate sanctioning;
2. submission of significant new relevant information that was not readily available at the time of the hearing; or
3. procedural error.

In cases involving reports of sexual misconduct, dating/domestic violence, stalking, and/or related retaliation:

1. Both the Respondent and the Complainant will receive written notification of sanctions imposed on the respondent.
2. Both the Respondent and Complainant may submit an appeal per the appeal guidelines.

The Dean of Students or designee will serve as the appeal officer. The appeal officer may, at his or her discretion, meet with the Respondent and/or Complainant and members of the Conduct Review Board. The appeal officer shall have the sole discretion in accepting or rejecting a case for review based on the criteria for appeals listed above and may uphold, modify, or amend the decision. The decision of the appeal officer is final.

## Student Grievance Policy

The Student Grievance Policy gives the student the opportunity to follow a grievance procedure if the student believes that a policy was not appropriately discharged. Course grades are the purview of the respective faculty member and do not fall under this policy, nor does dissatisfaction with the outcome of a conduct review process. At any stage in the following process, all parties will make sincere efforts to reach a resolution of the issue in question.

1. The student must first discuss the matter of concern with the staff member involved.
2. If the student is not satisfied with the results of the above discussion, he or she then appeals to the staff member's immediate supervisor.
3. The supervisor will meet with the student and the staff member in an effort to resolve the grievance.
4. If the grievance is not resolved, an ad hoc committee will be formed consisting of the Dean of Students, one student, and a staff or faculty member appointed by the Dean of Students in consultation with the employee's supervisor.

In cases where administrators at the level of the Dean of Students are involved, Steps 2 and 4 are replaced by an appeal to the College's President. All parties are expected to adhere to the findings of the ad hoc committee.

- **Crime Prevention**

- Southern Vermont College regularly sponsors programs intended to raise awareness of safety and security issues on campus. Campus Safety officers provide, upon request, on-campus security escort services 24 hours a day. Campus Safety and Residence Life staffs regularly reinforce important safety and security topics through bulletins, safety alerts, posters and brochures.

- **Crime Reporting**

- All members of the College community are encouraged to immediately report any/all criminal activities, violation of College policies and regulations, or any other emergency situation to the Campus Safety Department. Campus Safety can be contacted by dialing extension 4001 from any campus phone, by dialing (802)447-4001 from any off-campus phone, or by calling the Campus Safety Officer's duty cell phone at (802)384-1648. A Campus Safety Officer will immediately be sent to assist the caller or victim, and the Bennington Police will be notified if necessary.
- Members of the College community have a number of ways to make a report of criminal activity or violation of College policy. Incidents may be reported to Campus Safety, Residence Life Staff, the Dean of Student's Office or any other College official who, in turn, will make proper notification to the appropriate College department for follow-up.
- Members of the College community may also choose to make reports to a College official on a voluntary, confidential basis. Statistics from these confidential reports will be included in the College's Annual Crime Statistics Report.
- In some instances, members of the College community may choose to inform only the College's Counseling Center or Health Services or a criminal offense committed against them. In these cases the report will remain confidential and the crime statistics will not be included in the College's Annual Report unless the reporting community member also makes the report to another College official.

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- **Annual Crime Statistics Preparation**

- In accordance with the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act", the Southern Vermont College Campus Safety Department compiles annual crime statistics for the College.
- Crime reports are received in a variety of ways. They can be directly reported by a victim, observed by a Campus Safety Officer, or reported as third-party information by a College official.
- The Director of Campus Safety is responsible for preparing the College's Annual Crime Report. This report is available in a printed format in the Campus Safety office, on the College's website and may also be

found on the U.S. Department of Education website. The statistics for this report are gathered from Campus Safety incident reports, Residence Life incident reports and any reports made to other College officials and the Bennington Police Department. Crime statistics for this report are gathered on an annual basis and are calculated according to the calendar year, as opposed to the academic year. The crime statistics for the previous three calendar years are available at the end of this report.

- **Missing Student Policy**

- Procedures for designation of confidential emergency contact information Students will be given the opportunity during each semester registration process to designate an individual or individuals to be contacted by the college no more than 24 hours after the time that the student is determined to be missing in accordance with the procedures set forth below. A designation will remain in effect until changed or revoked by the student. This information will be maintained confidentially and will be available only to the Dean of Students, Resident Director's and the Director of Campus Safety. In the event a student who is under the age of 18 and is not emancipated is determined to be missing pursuant to the procedures set forth below, the college is required to notify a custodial parent or guardian, in addition to the student's designated contact, no more than 24 hours after the student is determined to be missing in accordance with the procedures set forth below.

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- **Official notification procedures for missing students**

- Any individual on campus who has information that a residential student may be a missing student must notify Campus Safety as soon as possible and in no event, later than 24 hours after determining that the student is missing.
- Note: In order to avoid jurisdictional conflicts and duplication of efforts, when an off-campus and/or commuter student is believed to be missing, the reporting person should immediately notify local law enforcement authorities. Campus Safety will assist external authorities with these investigations as requested.
- Campus Safety will gather all essential information about the residential student from the reporting person and from the student's acquaintances (description, clothes last worn, where student might be, who student might be with, vehicle description, information about the physical and mental well being of the student, an up-to-date photograph, class schedule, etc.). Appropriate campus staff will be notified to aid in the search for the student. If after 24 hours the above actions are unsuccessful in locating the student, and Campus Safety or College Officials determine that a residential student is in fact missing:
  - a. Campus Safety will contact the appropriate local law enforcement agency to report the student as a missing person and such local law enforcement will become the lead agency in the investigation; and

- b. The Dean of Students will notify the emergency contact (for students 18 and over) or the emergency contact and the parent/guardian (for students under the age of 18) that the student is believed to be missing.
- *Note: If it is apparent immediately that the student is a missing person (e.g., witnessed abduction), then the actions listed above will be expedited.*
- **Campus communications about confirmed missing students**
- In cases involving confirmed missing students, law enforcement personnel are best situated to provide information to the media that is designed to elicit public assistance in the search for the student. Therefore, all communications regarding confirmed missing students will be handled by outside law enforcement authorities, who may consult with the College's Office of Communications. All inquiries to the College regarding missing students, or information provided to any individual at the college about a missing student, shall be referred to Campus Safety, who in turn will refer such inquiries and information to law enforcement authorities. Prior to providing the Southern Vermont College community with any information about a confirmed missing student, the Office of Communications shall consult with the lead agency to ensure that communications do not hinder the investigation.

# Southern Vermont College

## Campus Crime Statistics

<b>Criminal Offenses - On-Campus</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Unfounded</b>
a. Murder/Non-negligent Manslaughter	0	0	0	0
b. Negligent Manslaughter	0	0	0	0
c. Sex offense - Rape – Sexual Assault	1	1	1	0
d. Sex Offence - Non-Forcible Sexual Assault	0	0	0	0
e. Fondling	0	0	0	0
f. Incest	0	0	0	0
g. Statutory Rape	0	0	0	0
h. Robbery	0	0	0	0
i. Aggravated Assault	0	0	0	0
j. Burglary	0	0	0	0
k. Motor Vehicle Theft	0	0	0	0
l. Arson	0	0	0	0
<b>Residence Halls – (On-Campus Student Housing)</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	
a. Murder/Non-negligent Manslaughter	0	0	0	0
b. Negligent Manslaughter	0	0	0	0
c. Sex offense - Rape – Sexual Assault	1	1	1	0
d. Sex Offence - Non-Forcible Sexual Assault	0	0	0	0
e. Fondling	0	0	0	0
f. Incest	0	0	0	0
g. Statutory Rape	0	0	0	0
h. Robbery	0	0	0	0
i. Aggravated Assault	0	0	0	0
j. Burglary	0	0	0	0
k. Motor Vehicle Theft	0	0	0	0
l. Arson	0	0	0	0
<b>Criminal Offenses - Non-Campus Buildings or Property</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	
a. Murder/Non-negligent Manslaughter	0	0	0	0
b. Negligent Manslaughter	0	0	0	0
c. Sex offense - Rape – Sexual Assault	0	0	0	0
d. Sex Offence - Non-Forcible Sexual Assault	0	0	0	0
e. Robbery	0	0	0	0
e. Fondling	0	0	0	0
f. Incest	0	0	0	0
g. Statutory Rape	0	0	0	0
f. Aggravated Assault	0	0	0	0
g. Burglary	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0
i. Arson	0	0	0	0
<b>Criminal Offenses – Public Property</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	
a. Murder/Non-negligent Manslaughter	0	0	0	0
b. Negligent Manslaughter	0	0	0	0
c. Sex offense - Rape – Sexual Assault	0	0	0	0
d. Sex Offence - Non-Forcible Sexual Assault	0	0	0	0
e. Fondling	0	0	0	0
f. Incest	0	0	0	0
g. Statutory Rape	0	0	0	0
h. Robbery	0	0	0	0
i. Aggravated Assault	0	0	0	0
j. Burglary	0	0	0	0
k. Motor Vehicle Theft	0	0	0	0
l. Arson	0	0	0	0

<b>Southern Vermont College</b>				
<b>Campus VAWA Offenses</b>				
<b>On-Campus Property</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Unfounded</b>
a. Domestic Violence*	1	0	1	0
b. Dating Violence*	1	1	1	0
c. Stalking*	1	1	1	0
<b>Residence Halls ( On-Campus Student Housing)</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	
a. Domestic Violence*	1	0	1	0
b. Dating Violence*	1	1	1	0
c. Stalking*	1	0	1	0
<b>Non-Campus Buildings or Property</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>0</b>
a. Domestic Violence*	0	0	0	0
b. Dating Violence*	0	0	0	0
c. Stalking*	0	0	0	0
<b>Public Property</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	
a. Domestic Violence*	0	0	0	0
b. Dating Violence*	0	0	0	0
c. Stalking*	0	1	0	0

# Southern Vermont College

## Hate Crime Statistics

<b>Hate Crimes - On-campus</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Unfounded</b>
a. Murder/Non-negligent Manslaughter	0	0	0	0
b. Negligent Manslaughter	0	0	0	0
c. Sex offense - Rape – Sexual Assault	0	0	0	0
d. Sex Offence - Non-Forcible Sexual Assault	0	0	0	0
e. Robbery	0	0	0	0
f. Aggravated Assault	0	0	0	0
g. Burglary	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0
i. Arson	0	0	0	0
j. Any Other Crime Involving Bodily Injury (Simple Assault)	0	0	0	0
k. Larceny Theft	0	0	0	0
l. Intimidation	0	0	0	0
m. Destruction, Damage, Vandalism of Property	0	0	0	0
<b>Residence Halls – (On-Campus Student Housing)</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	
a. Murder/Non-negligent Manslaughter	0	0	0	0
b. Negligent Manslaughter	0	0	0	0
c. Sex offense - Rape – Sexual Assault	0	0	0	0
d. Sex Offence - Non-Forcible Sexual Assault	0	0	0	0
e. Robbery	0	0	0	0
f. Aggravated Assault	0	0	0	0
g. Burglary	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0
i. Arson	0	0	0	0
j. Any Other Crime Involving Bodily Injury	0	0	0	0
k. Larceny Theft	0	0	0	0
l. Intimidation	0	0	0	0
m. Destruction, Damage, Vandalism of Property	0	0	0	0
<b>Hate Crimes Non-Campus</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	
a. Murder/Non-negligent Manslaughter	0	0	0	0
b. Negligent Manslaughter	0	0	0	0
c. Sex offense - Rape – Sexual Assault	0	0	0	0
d. Sex Offence - Non-Forcible Sexual Assault	0	0	0	0
e. Robbery	0	0	0	0
f. Aggravated Assault	0	0	0	0
g. Burglary	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0
i. Arson	0	0	0	0
j. Any Other Crime Involving Bodily Injury	0	0	0	0
k. Larceny Theft	0	0	0	0
l. Intimidation	0	0	0	0
m. Destruction, Damage, Vandalism of Property	0	0	0	0
<b>Hate Crimes - Public Property</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	
a. Murder/Non-negligent Manslaughter	0	0	0	0
b. Negligent Manslaughter	0	0	0	0
c. Sex offense - Rape – Sexual Assault	0	0	0	0
d. Sex Offence - Non-Forcible Sexual Assault	0	0	0	0
e. Robbery	0	0	0	0
f. Aggravated Assault	0	0	0	0
g. Burglary	0	0	0	0
h. Motor Vehicle Theft	0	0	0	0
i. Arson	0	0	0	0
j. Any Other Crime Involving Bodily Injury	0	0	0	0
k. Larceny Theft	0	0	0	0
l. Intimidation	0	0	0	0
m. Destruction, Damage, Vandalism of Property	0	0	0	0

<b>Southern Vermont College</b>				
<b>Arrest</b>				
<b>Arrest - On-Campus</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>Unfounded</b>
a. Illegal Weapons Possession	0	0	0	0
b. Drug Law Violation	0	0	0	0
c. Liquor Law Violation	0	0	0	0
<b>Disciplinary Action/Judicial Referrals - On-Campus</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	
a. Illegal Weapons Possession	1	2	0	0
b. Drug Law Violation	21	24	26	0
c. Liquor Law Violation	31	49	43	0
<b>Arrest - Residence Halls (On-Campus Student Housing)</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	
a. Illegal Weapons Possession	0	0	0	0
b. Drug Law Violation	0	0	0	0
c. Liquor Law Violation	0	0	0	0
<b>Disciplinary Action/Judicial Referrals - (On Campus Student Housing)</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	
a. Illegal Weapons Possession	1	2	0	0
b. Drug Law Violation	21	22	26	0
c. Liquor Law Violation	31	47	43	0
<b>Arrest - Public Property</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	
a. Illegal Weapons Possession	0	0	0	0
b. Drug Law Violation	0	0	0	0
c. Liquor Law Violation	0	0	0	0
<b>Disciplinary Action/Judicial Referrals - Public Property</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	
a. Illegal Weapons Possession	0	0	0	0
b. Drug Law Violation	0	0	0	0
c. Liquor Law Violation	0	0	0	0
<b>Arrest - Non-Campus Buildings or Property</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	
a. Illegal Weapons Possession	0	0	0	0
b. Drug Law Violation	0	0	0	0
c. Liquor Law Violation	0	0	0	0
<b>Disciplinary Action/Judicial Referrals - Non-Campus Buildings or Property</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	
a. Illegal Weapons Possession	0	0	0	0
b. Drug Law Violation	0	0	0	0
c. Liquor Law Violation	0	0	0	0

- **Fire Safety Report**

- **Reporting Fires:**

- The following procedures shall be followed when someone discovers a fire in a building, regardless of how large the fire is:

- **1) Close the door to the room where the fire is located.** This will confine the fire to a smaller area.
- **2) Activate the closest fire alarm system.** Pull stations are usually located next to an exit or stairwell door
- **3) Call Campus Safety or dial 911 to Report a Fire.**

- **To Report a Fire:**

- **Call 911**
- **Campus Safety Office – 802-447-4001**
- **Campus Safety Cell Phone – 802 -384-1648**
- **Bennington Rural Fire Department – 802-447-7765**
- **Bennington Police Department – 802-442-1030**

**If you see smoke or fire, immediately activate the nearest fire alarm system. Call Campus Safety once you have safely evacuated.**

- **Residence Hall Fire Safety Systems**

- All fire alarm systems on the Southern Vermont College campus are setup to directly notify the College's 24-hour alarm monitoring company, Property Protection Management (PPM), in case of an alarm activation or other non-emergency trouble signal. In turn, PPM will immediately notify the Bennington Rural Fire Department of the alarm activation for timely activation of the fire department apparatus and personnel.

- **Aldis, Bowen, Cady, Darby, Ellinwood Halls**

- All bedroom and common areas are equipped with smoke detectors which are hard-wired and connected to the building's fire alarm system. Each building's fire alarm system is equipped with strobe lights and horns for visible and audible fire emergency alerting in all bedroom and common areas as well. Additionally, there are fire alarm pull stations and fire extinguishers located in hallways and stairwells on each floor of each building. These buildings are not equipped with sprinkler systems.

- **Hunter Hall**

- All bedroom and common areas are equipped with smoke detectors which are hard-wired and connected to the building's fire alarm system. The building's fire alarm system is equipped with strobe lights and horns for visible and audible fire emergency alerting in all bedroom and common areas as well. Additionally, there are fire alarm pull stations and fire extinguishers located in hallways and stairwells on each floor of the building. This building is also equipped with a wet sprinkler system, which is also connected to the building's overall fire system.

## **Residence Hall Fire Safety Policies**

The College prohibits any act that may interfere with the safety of others. The following outlines:

### **1. Fire Drills**

- a. Fire evacuation routes are reviewed by residence hall staff with residents at floor/house meetings. Fire safety equipment is installed in each hall & fire drills are conducted every semester.

### **2. Fire Safety**

- a. Initiating or causing a false alarm, warning, or threat of fire, explosion, or other emergency.
- b. Failing to immediately evacuate College buildings, including Residence Halls, during a fire alarm or drill.
- c. Possessing or using candles, incense, camp stoves, hurricane lamps, or other items that may cause an ignition are prohibited in College buildings without prior written authorization by the Dean of Students. In addition, plug-in wax and candle warmers are also prohibited.
- d. Possession or use of hookahs, fireworks, explosives, volatile liquids, car batteries, ski-waxing materials, fuel, ammunition/gun powder, or other flammable materials is prohibited on campus. In addition, flammable materials such as fuel cans, lighter fluid, and gas engine vehicles are prohibited.
- e. Open fires are only permitted on campus as part of a College-sanctioned event. The College-sanctioned group is required to obtain a fire permit through the Director of Facilities and notify the Director of Campus Safety of the event.
- f. Barbeques and hibachis are not permitted and cannot be stored in the residence areas.
- g. Smoke machines and black lights may not be used in the residence halls.
- h. Live holiday trees are prohibited.
- i. Fire regulations have informed occupancy limits in both the residential common areas and bedrooms. Please refer to the charts below for the occupancy limit in each area. In addition to this, we ask that only two people per resident present in any given bedroom and five people per resident present in any given common area gather at the same time.

Gathering in a Bedroom	
Location	Total Maximum Occupancy
Hunter Single	3 people
A-E Single	3 people
A-E Double	6 people
A-E Premium Single	6 people
A-E Premium Double	6 people
Hunter Premium Single	4 people
*2 per resident present	

Gathering in a Common Area	
Location	Total Maximum Occupancy
Hunter	22 people
A-E Lounge	15 people
*5 per resident present	

## 2. Fire Safety Equipment

Fire safety equipment is critical for safety and includes, but is not limited to, smoke detectors, fire extinguishers, fire horns, bells, conduit, alarm pull devices, heat sensors, emergency/exit signs, emergency lights, and fire hydrants.

Tampering with, covering, vandalizing, misusing, damaging, or removing fire safety equipment is prohibited and considered a serious violation of policy. Students violating this policy may be subject up to a \$500 fine in addition to any repair or replacement costs.

## 3. Fire Evacuation

All fire alarms must be treated as actual emergencies. When an alarm sounds:

- a. Students are required to vacate campus buildings and follow all directions from the housing staff, security personnel, or the fire department.
- b. If you reside in Hunter Hall: leave the building at the nearest exit and make your way to the designated gathering area at the southeast end (towards the orchard) of the Hunter Hall access road, approximately 75 feet away from the lower level atrium entrance of the hall.
- c. If you reside in Aldis, Bowen, Cady, Darby, or Ellinwood Hall OR are in the Computer Lab or Dining Hall at the time of the alarm: Go to the Mountaineer Athletic Center parking lot. Aldis, Bowen, and Cady Hall students should exit to the parking lot side of the building if possible. Darby and Ellinwood Hall students should exit to the parking lot side of the building if possible.
- d. Once outside, residents may not reenter the building until directed to do so by Campus Safety or other authorized personnel.

#### 4. Appliances

The following is a list of electrical appliances that are permitted in the residence halls. Any electrical appliance used in the residence halls **must be U/L approved**. Illegal appliances will be confiscated by a Residence Director and returned to the student at the end of a semester for removal from campus.

##### a. Permitted:

<b>Coffee Makers with internal heating units</b>	<b>Refrigerators up to 3.5 cubic feet for students admitted prior to the 2016-2017 academic school year</b>
<b>Irons with an automatic shut-off</b>	<b>Small microwaves</b>
<b>Personal Computers</b>	<b>Stereos, CD Players</b>
<b>Power strips with surge protector</b>	<b>Televisions</b>

##### b. Not permitted:

<b>Air Conditioners</b>	<b>Immersion Coils</b>
<b>Cooking devices including but not limited to: toasters, toaster ovens, convection ovens, hot plates, electric sandwich makers, hot bowls, George Foreman grills, etc.</b>	<b>Power Tools</b>
<b>Extension Cords</b>	<b>Space Heaters or Electric Blankets</b>
<b>Gas or charcoal grills, hibachis, camp stoves</b>	<b>Strobe Lights</b>
<b>Halogen Lamps</b>	<b>Sun lamps</b>

#### 5. Decorations, Furnishings and Equipment

- a. Students may not hang banners/signs or other items on the exterior of buildings, or on or from windows without written permission from the Dean of Students. Product advertisements, neon signs, and other such items placed in residence hall windows must face into the suite.
- b. Road signs, highway cones, barriers, and hazard lights are not permitted in the residence halls and will be confiscated by a Resident Advisor or a Residence Director if found.
- c. Dartboards are prohibited.
- d. Holiday or string lights in rooms or lounges are permitted if they are UL listed. They may not be hung from the ceiling, outside of windows, on or near fire detectors, sprinklers, or pipes.
- e. Wooden constructions or other furnishings (lofts, overstuffed chairs, etc.) that change the combustible mass of the bedroom or suite are prohibited.
- f. Room contents may never obstruct doors, passageways, heat vents, or living rooms.
- g. Hanging or affixing items from the ceilings, near beds, draped over lamps, placed on ceiling light fixtures, from any visible pipes, or from fire safety equipment is prohibited. Only 20 percent of each wall and door surface may be covered.

## 6. Doors

- a. Students may not tamper with or force open any internal or external door. Use of credit cards or other devices to try and open a door, even if it is to the student's room, is strictly prohibited.
- b. Students are prohibited from propping open suite doors or external doors.

<b>Southern Vermont College</b>			
Annual Fire Statistics Report			
<b>Aldis Hall</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
a. Number of Fires	0	0	0
b. Number of Deaths Related to Fires	0	0	0
c. Number of Injuries Related to Fires	0	0	0
d. Total Value of Property Damage	0	0	0
e. Number of Fire Drills Conducted Annually	2	2	2
<b>Bowen Hall</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
a. Number of Fires	0	0	0
b. Number of Deaths Related to Fires	0	0	0
c. Number of Injuries Related to Fires	0	0	0
d. Total Value of Property Damage	0	0	0
e. Number of Fire Drills Conducted Annually	2	2	2
<b>Cady Hall</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
a. Number of Fires	0	0	0
b. Number of Deaths Related to Fires	0	0	0
c. Number of Injuries Related to Fires	0	0	0
d. Total Value of Property Damage	0	0	0
e. Number of Fire Drills Conducted Annually	2	2	2
<b>Darby Hall</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
a. Number of Fires	0	0	0
b. Number of Deaths Related to Fires	0	0	0
c. Number of Injuries Related to Fires	0	0	0
d. Total Value of Property Damage	0	0	0
e. Number of Fire Drills Conducted Annually	2	2	2
<b>Ellinwood Hall</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
a. Number of Fires	0	0	1
b. Number of Deaths Related to Fires	0	0	0
c. Number of Injuries Related to Fires	0	0	0
d. Total Value of Property Damage	0	0	\$40,000
e. Number of Fire Drills Conducted Annually	2	2	2
<b>Hunter Hall</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
a. Number of Fires	0	0	0
b. Number of Deaths Related to Fires	0	0	0
c. Number of Injuries Related to Fires	0	0	0
d. Total Value of Property Damage	0	0	0
e. Number of Fire Drills Conducted Annually	2	2	2