

## **SAINT MICHAEL'S COLLEGE DEPARTMENT OF PUBLIC SAFETY**

### **ANNUAL SECURITY REPORT**

**October 1, 2017**

This report is provided to current students, faculty and staff under the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Title II, Public Law 101-542). This act requires post-secondary institutions to disclose information regarding their campus security policies and statistics of criminal offenses as reported to Campus Security Authorities. This report is also provided to any applicants for enrollment or employment upon request, and the statistical data is reported to the U.S. Department of Education. The College's Fire Safety Report is included with this report.

Campus Security at Saint Michael's College is the responsibility of the Department of Public Safety, which reports to the Vice President of Student Affairs. The department is comprised of twelve full time employees: director, eight uniformed non-sworn officers, an Investigator/Liaison Officer, an Emergency Preparedness Coordinator/Fire & Life Safety Specialist, the Director of Public Safety and an administrative assistant. Additionally there are several part time officers who supplement coverage on weekends. Each officer has received extensive orientation and on the job training. Several officers have previous law enforcement experience, however, they do not have the authority in their capacity as College employees to make arrests, nor do any of the eight full-time officers. The full-time and part-time officers have jurisdiction over property owned and/or controlled by the College. The Department provides annual and ongoing in-service training for its officers that includes, but is not limited to legal update, crime prevention, fire safety, human relations, diversity, stress management, conflict resolution, CPR and first aid.

Saint Michael's College is in the town of Colchester and thus falls primarily within the jurisdiction of the Colchester Police Department (CPD). The College also works with the Vermont State Police and other police agencies in conjunction with CPD or in matters that involve SMC students or property; there is no formal agreement between the College and the State Police or CPD. While there are no

formal written agreements in place, SMC Public Safety and CPD routinely exchange information relative to the security and protection of the campus and surrounding neighborhoods. The campus borders the City of Winooski, and the Public Safety department maintains a cooperative relationship with its police department as well.

The Saint Michael's Campus is patrolled 24 hours a day, 7 days a week by foot and mobile patrol officers who handle routine locking schedules, security, facility and fire safety checks, and respond to incidents or reported problems. Duty officers may be reached by calling the office (654-2374) during business hours or by calling the college dispatcher (654-2000, or "0" from campus phones) at any time, day or night. In addition, the campus is equipped with 78 emergency/courtesy telephones connected directly to the dispatcher which identify the location of the caller. The Public Safety office is located at 220 College Parkway across from the South entrance to the college in the Fire & Rescue Station. Office hours are 8:00-12:00 and 1:00-4:00 Monday through Friday.

**Mission Statement:**

Our objective is to maintain a safe environment and provide on-going support services for the Saint Michael's College community, through education and policy enforcement, partnership, understanding, recognition of diversity, dignity and respect; in support of the College's mission.

**Campus Facilities**

Student housing facilities on campus range from residence halls to suites to townhouse style apartments. All residential students are issued keys and/or proximity cards to their respective residences. Regardless of where students reside, it is imperative that they protect themselves and their property by insuring doors in their control remain locked at all times. Residence Halls are locked 24/7 with electronic access. Resident undergraduate students are granted access to all residence halls from 8:00 am - 11:00 pm daily while the College is in session.

Other facilities on campus (Library, Chapel, Sports Center, and Academic buildings) are locked and unlocked according to schedules determined by Facilities, the Academic Dean, and Athletic Department. Those schedules are available on the campus portal. There are provisions to provide

after hours access to authorized students to academic and administrative areas as needed for coursework or employment. The electronic access and video monitoring systems are managed by the Public Safety Director.

Issues with campus facilities and equipment, including lighting and callboxes, can be reported by any person on campus through use of a campus work order system, reporting to a staff member including residential life, or through the LiveSafe app. The Public Safety Department also administers a student safety program called the KnightSafe Student Service (KSSS). The KnightSafe Assistants (KSA) observe and report issues with safety equipment and conduct visual inspections of safety equipment including call boxes, lights and fire protection equipment.

### **Crime Prevention and Awareness**

Incidents or trends of incidents on campus which represent a potential threat to the safety and security of the members of the campus community are reported to the community through "Public Safety Alert" bulletins. These bulletins are transmitted over the campus portal and e-mail systems and are intended to inform the community in a timely manner so people may be aware and take steps to prevent themselves from falling victim to campus crime. The Vermont on-line Sex Offender Registry link is provided in this report as a resource to the campus community.

Saint Michael's College urges members of the campus community to report crimes or other issues that affect the quality of life on campus. Employees in the following roles are Campus Security Authorities: All Department of Public Safety employees listed above, Resident Directors, Student Affairs Assistant Deans, Student Affairs Associate Deans, the Title IX Officer and deputies, the Dean of Students and the Vice President of Student Affairs. Crimes may be reported to Campus Security Authorities for the purpose of making timely warning reports and for inclusion in the annual statistical disclosure.

The College also subscribes to the LiveSafe campus safety app, which provides a platform for community members to submit tips and information in real time, anonymously if they choose, using a smartphone. There are several other features including a campus map, College resources and a

SafeWalk function which allows a friend to monitor safe travel to a destination or call for a student escort from the KSSS. This app is free and monitored 24/7 by our dispatch center. Additionally we maintain a Silent Witness webpage for those who wish to submit anonymous information online. Although not monitored 24/7, individuals may use this webpage for voluntary, confidential reporting of crimes for inclusion in the College's crime statistics, as appropriate.

St. Michael's Public Safety has four RAD (Rape Aggression Defense Systems) instructors on staff who provide self-defense classes. Sessions are offered each semester. The Department offers training on crime prevention and safety at various times throughout the year, including Civilian Response to Active Shooter Events. Other programs including alcohol and drug awareness from the public safety perspective and fraud and identity theft prevention are taught annually. Each Public Safety Officer is assigned to a residential area and Resident Director to work cooperatively with programming , both formal and informal, and problem solving. Public Safety and the KnightSafe Student Service provide driving and walking escorts upon request.

Crime prevention in general is a partnership between the Department of Public Safety and the campus community. Through exchange of information and sharing of responsibility we must all work together to maintain a safe campus. In order to fulfill its mission, the Department of Public Safety relies heavily upon our community members to accept responsibility for themselves by securing property, locking doors, acting responsibly and in ways to not compromise safety and well being, and reporting problems in a timely fashion so they may be responded to and corrected.

### **Campus Crime and Emergencies**

Activities of a criminal and questionable nature and/or emergencies should be reported as soon as they are discovered by calling the Campus Emergency Line (2911 or 654-2911) or Public Safety Office (654-2374). Emergencies and reported crimes will be responded to immediately by the officer(s) on duty. If appropriate, the local police department will be summoned to assist and/or follow up. Depending on the nature of an incident, the duty resident director and/or resident assistant may be called to follow up. Individuals will be asked to provide their name when making a report, but voluntary, confidential reporting may also be done by calling these numbers.

The College encourages accurate and prompt reporting of all crimes to the Campus Emergency Line or Public Safety Office, and the appropriate police agencies when the victim of a crime elects to, or is unable to, make such a report.

Further, the College subscribes to the LiveSafe campus safety app (described above), which provides a platform for community members to submit tips and information in real time, anonymously if they choose, using a smartphone. Additionally, we maintain a Silent Witness webpage for those who wish to submit anonymous information online. Individuals may use this webpage for voluntary, confidential reporting of crimes for inclusion in the College's annual disclosure of crime statistics, as appropriate.

All activities, routine or incidental, are documented by officers in the daily log or by incident report. Incident reports are maintained by the office of Public Safety for follow-up investigation, referral of students to the judicial process, and for statistical records. Community members who are victims of theft/larceny or similar crimes, may obtain a copy of a report for insurance purposes only, otherwise campus incident reports are confidential records. A public log is maintained as provided for in the Clery Act, and the log is provided to the campus newspaper, the Defender.

At Saint Michael's College, our clergy in Edmundite Campus Ministry, professional personal counselors, and health services staff respect and protect confidential communications from students to the extent that they are able to do so under applicable law, and they are not encouraged to inform persons they are counseling of procedures to report crimes on a voluntary, confidential basis for inclusion in the College's annual disclosure of crime statistics. Individuals receiving counseling are nonetheless encouraged by the College to report crimes on a voluntary, confidential basis through any of the methods described above.

The Department of Public Safety records reports of crimes and campus emergencies in a single reporting system regardless of the channel through which they are received (i.e. 2911, LiveSafe, Silent Witness, etc.) for inclusion in our statistical disclosures including the Annual Security Report. All persons involved in criminal activity on campus are subject to arrest by local law enforcement and/or referral to the Student Life office for disciplinary action. There are no noncampus locations of organizations officially recognized by the College, including student organizations with noncampus housing facilities, so monitoring by local police agencies is not necessary. The Student Code of

Conduct and College Policies contains specific information and policies on the disciplinary and judicial process on campus, possession and use of alcohol and drugs, sexual misconduct and sexual assault.

### **Emergency Preparedness, Response, and Evacuation Procedures**

Saint Michael's College has a comprehensive Emergency Operations Plan in place which covers a wide range of situations, including, but not limited to, fires, bomb threat, leaks and spills, disturbances, hostile intruder and weather. An emergency notification is triggered by any significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of students or employees. In the event of a serious or widespread emergency involving the campus requiring immediate attention or evacuation, the college has a multi-mode emergency notification plan, including Rave Mobile Safety, in place to provide timely communications and instructions to the campus community. This system is tested each semester. The College will notify the campus community upon confirmation of an emergency or dangerous situation. Confirmation means that an institution official (or officials) has verified that a legitimate emergency or dangerous situation exists, but does not necessarily mean that all of the pertinent details are known or even available.

The College will, without delay, and taking into the account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The College will assess information regarding an emergency or dangerous circumstance from sources appropriate for the situation (i.e. eye witnesses or callers for a hostile intruder, the National Weather Service for severe weather, etc.) to: (1) confirm that there is a significant emergency or dangerous situation, (2) determine the appropriate segment or segments of the campus community to receive a notification, (3) determine the content of the notification, and (4) initiate the notification system. If necessary, the College will disseminate information about an on-campus emergency situation to the larger community by contacting local first responder authorities.

The College uses the RAVE notification system as the primary method of mass emergency communication. All students are automatically enrolled in RAVE by the college and are notified by both text message to the student's cell phone and email to the student's college email account. The College also has the capability to send emergency messages out through the LiveSafe app for those students that voluntarily enrolled in LiveSafe. The College recently installed ALERTUS software on all classroom computers. When the ALERTUS system is activated the computer screen is taken over by an emergency screen where the message is displayed. The screen must be acknowledged before normal operations of the computer can be resumed.

Depending on the time of day, nature of the emergency and the personnel available, the assessment and decisions of notification may be made by on-duty Public Safety Staff, Public Safety staff leadership including the Director of Public Safety, the Public Safety Sergeant, or Senior investigator, Dean's staff including the Dean of Students or other ranking College official. On duty Public Safety personnel will respond to and verify any reported or perceived emergency on campus and initiate the appropriate mobilization of resources and response of College personnel. Among those College personnel to be mobilized are Public Safety staff leadership, Dean's staff, Assistant Directors of Residence Life and other support services (IT, Facilities, Public Relations) who will work collaboratively to promote the safety of the campus community, coordinate notification and on-campus mitigation efforts. Possible responses to emergency situations may include sheltering in place, directing students and employees to a safe location or providing specialized direction based on the nature of the emergency. If indicated, the College will activate an Emergency Operations Center and mobilize its Emergency Management team to manage the emergency and support continuity of operations according to the College's Emergency Operations Plan.

Small scale evacuations such as one residence hall can be accomplished using on campus spaces and resources. Evacuation of the campus is a large scale undertaking that requires significant logistical considerations, including but not limited to identification of a safe location to evacuate to, vehicles for transportation and ensuring the safety of travel routes. Communication of travel plans to students and employees as well as considerations such as personal belongings and authorized assistance animals will be part of the planning process. The Director of Marketing and Communication or his/her designee will serve as the public information officer in a large scale emergency and use social networks, media outlets and the campus notification systems to disseminate information to the

students and staff.

An individual can report an emergency occurring on campus by contacting Public Safety by any of the methods described above.

The College will test its emergency response and evacuation procedures on at least an annual basis including tests that may be announced or unannounced. The College tests the fire alarm systems in all residential areas with unannounced drills each semester. The College also conducts tabletop exercises twice a year with the emergency management team and additional resources as appropriate for the scenario. On August 23, 2017 the Saint Michael's College Department of Public Safety, Saint Michael's Fire and Rescue (SMFR), SMC Residential Life staff and the SMC Emergency Management Team, along with Colchester Rescue Squad and UVM rescue held a full scale exercise on the SMC campus. The scenario was a simulated biological agent exposure with multiple students experiencing illness. A number of non-effected students were mixed in the scene. The objectives of the exercise were to test operational coordination between field units and the emergency management team and to test the evacuation process from the emergency operations center.

The exercise also served as SMFR's annual mass casualty incident (MCI) drill. The rescue and fire crew had to manage 25 patients of varying levels of illness and decontamination of multiple students. Public Safety and residential life personnel helped with the patient management as well as evacuation of the building and coordination of the transportation of the students off campus by either ambulance or bus. The emergency management team identified strengths including established resources such as access to timely medical information and transportation through our partnership with the University of Vermont. Among the areas for improvement that were identified were the need for all departments to have representatives including alternates with delegated authority for all EOC activations and trainings.

The College conducted an exercise of the Hostile Intruder plan in conjunction with the Behavioral Threat Assessment team in April of 2016. Saint Michael's Fire and Rescue conduct annual drills in conjunction with public safety, including a mass casualty event in August of 2016. In January 2016 the College hosted the Vermont Department of Health Point of Distribution (POD) for a multisite exercise of for the Department of Health. The college will conduct a tabletop exercise in the spring of 2018. Each exercise and training opportunity, as well as real life situations, are reviewed by the Emergency Management Team through After Action Reports and regular monthly plan reviews.

The results of at least one test per year will be publicized by posting on the SMC Public Safety portal page. A description of the test will be documented. This document will include a description of the exercise, the date the test was held, the time the test started and ended, and whether the test was announced or unannounced.

### **Timely Warnings**

The College will issue timely warnings about certain crimes in a manner that is timely and will aid in the prevention of similar crimes consistent with the requirements of the Clery Act. The intent of such a warning is to enable people to protect themselves. A timely warning will be issued as soon as pertinent information is available.

Whether or not a timely warning will be issued will be decided on a case-by-case basis and will take into account the following factors: (1) the nature of the crime, (2) the continuing danger to the campus community, (3) the possible risk of compromising law enforcement efforts, and (4) any other relevant considerations.

The College will distribute timely warnings via campus wide email. Public Safety personnel are responsible for issuing the warnings via email..

The College will also issue safety notifications in circumstances where a timely warning as defined by the Clery Act are not deemed required, but where such safety notifications are determined by Public Safety to be in the best interests of the campus community.

### **Missing Persons/Students**

Whenever a resident student is believed to be missing for a period of time, not to exceed 24 hours, a timely report should be made to campus personnel. Residence life staff, including RAs and RDs or Public Safety personnel should be notified when a student is unaccounted for so that efforts to insure that student's safety can be initiated and coordinated. On-campus measures to locate a missing person will include contact with professors, associates, and friends, and review of access, dining and vending transactions. Local police and parents will be notified immediately once initial on-campus

efforts to locate a student are unsuccessful. Presently, the College does not have a mechanism to designate a confidential contact person for missing person purposes. Local law enforcement will be notified within twenty-four hours of a determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student was missing. If a student is under 18 years of age and not emancipated, a custodial parent or guardian will be notified within twenty-four hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

### **Parking and Motor Vehicles**

Parking and motor vehicle operation on campus are monitored and enforced by the Public Safety Department. Parking on campus is a privilege and all vehicles must be registered and permitted with the Public Safety office. Members of the community must park in designated areas only. Violators of parking regulations are subject to ticketing and/or towing at the owner's expense. Additional information can be found in the Traffic and Parking Regulations, available online or at the Public Safety office.

Other services offered by the Department of Public Safety include lost and found, lock out assistance, bicycle registration, and fingerprinting for education majors who will student teach. Details on these services are available by contacting the office.

### **ALCOHOL AND OTHER DRUG POLICY**

#### **Philosophy**

A goal of Saint Michael's College is to encourage preparation of our students for living, learning and working as responsible members of our community. Given this goal, the College pursues seeks two fundamental goals:

To provide an atmosphere in which students are encouraged to make informed and responsible decisions. To demonstrate reasonable care to keep our campus free from conditions that create or increase the risk of harm.

Students should have the information, resources and support necessary to make responsible decisions regarding alcohol use and abuse. Information available through Student Health Services, the Persona Counseling Office, the Student Life Office, and the Student Association enhance education efforts regularly presented on campus. A variety of services are available from these offices as well for students who seek assistance for substance abuse problems. Saint Michael's College seeks to construct a learning and living environment in which students will behave responsibly. Activities that promote or encourage abusive drinking, such as drinking games, drinking paraphernalia, multi-liter containers or rotational parties are considered by the college to be irresponsible and in violation of College policy. Such activities hinder the College's attempt to eliminate condition that create or increase the risk of harm.

#### **ALCOHOL POLICY**

Our policy is framed with the following consideration in mind:

Vermont State Law dictates that in order to legally possess or consume alcohol and individual must be 21 years of age.

Vermont Law, and therefore, Saint Michael's College:

Prohibits misrepresenting one's age for purposes of purchase or consumption of alcoholic beverages.

Prohibits those of legal age from serving an individual who is visibly intoxicated.

Prohibits those of legal age from purchasing for and/or serving alcohol to minors.

Prohibits operating a motor vehicle while under the influence of alcohol.

Mandates that any individual who is dangerously intoxicated be taken into protective care. In light of these consideration Saint Michael's College has established the following goals:

To stress moderation, safety and individual accountability.

To provide a college atmosphere free from social pressure to drink.

To maintain and encourage a sense of community where the effects of alcohol abuse are minimal and where problem behavior is reduced.

To provide information and education which encourages responsible decision making with regard to alcohol use.

To provide an atmosphere where we can further encourage programming that is not alcohol related.  
To provide confidential and effective counseling services for those with special needs related to alcohol abuse and alcoholism.  
To minimize the potential liability of both the individual and the institution.

## **GUIDELINES**

Common sources of alcohol (kegs, beer balls, or their equivalent) are permitted at a college approved event when catered by a licensed caterer. (See Approval of Events Involving Alcohol). Kegs and beer balls, whether empty or full, tapped or untapped, will be confiscated by the College. Possession of a tap will be regarded as evidence of a violation of the keg policy. Outdoor drinking on college grounds is permitted at an organized and catered event approved by the Dean of Students or appropriate designee. Alcohol is not permitted on or near the athletic fields during athletic contests, i.e., intercollegiate, club or intramural.

At events sponsored by the college, college organizations, or employees where underage students are in attendance no alcoholic beverages will be served with the exception of those approved events served by licensed caterers. Carrying open containers of alcoholic beverages or consuming them in any public area of campus is prohibited. Student groups, organizations or clubs which sponsor an event where alcohol is sold/served may not use Student Association monies to purchase to provide by any mean alcoholic beverages for the event. It is a violation of these policies to be intoxicated to the point of significant impairment of mental or physical ability. Students who are intoxicated beyond control may be mandated by the Dean of Students or designee to attend a College alcohol education program and may also be subject to disciplinary action. Students who procure alcoholic beverages for, or who serve underage individuals are not acting in a responsible manner. A student who contributes in anyway, however minor, to the intoxication of another person may be held personally liable for any injury or damage the intoxicated person causes or in which he/she becomes involved.

## **APPROVAL OF EVENTS INVOLVING ALCOHOL**

Events where alcohol is present may be approved depending on the nature of both the event and the facility and capacity of the facility, age distribution, and demonstration by the sponsoring organization of its ability to comply with State law and college regulations.

Only those of legal drinking age may have and consume alcohol in TOWNHOUSES AND GRADUATE (AND APARTMENT TYPE) HOUSING. Consumption of alcoholic beverages is prohibited in the remainder of campus housing.

The approval of the Student Life Office is required and the event must be registered with the Student Life Office.

Methods for the accomplishment of these guidelines will be outlined by the Student Life Office during the event planning process.

These methods include the following:

All events must end by 1:00 a.m.

All parties are prohibited Sunday through Thursday except with special permission.

Sponsors are responsible for supervision of the event.

Public Safety must be notified and hired when deemed necessary by the Office Student Life. Access must be restricted and accommodation limits (in conformance with Vermont fire/safety laws and the Student Code of Conduct) must be adhered to.

Non-alcoholic beverages and food must be provided.

A guest roster is required.

Sponsors are responsible for cleanup.

Approved campus-wide events involving alcohol must be catered and licensed in accordance with Vermont State Law.

Alcoholic beverages may only be sold at catered events. To request money (donation, tickets) as a condition of admission to a non-catered event is comparable to selling alcohol without a license and is therefore a violation of Vermont State Law and College policy.

#### **ALCOHOLIC BEVERAGE ADVERTISING, MARKETING, AND PROMOTION POLICY**

Events at which alcohol is served may be advertised on campus only when the service of alcohol is in full compliance with a valid liquor license or catering license and appropriate state regulations. Alcohol must not be the primary focus in any publicity. The sponsoring group is responsible for any advertising/publicity that is disseminated in conjunction with the event. The sponsoring group also bears

the responsibility for cleanup of any and all advertising relative to the event. Alcohol must not be used as an inducement to participate in an activity. Advertisements will avoid demeaning sexual or discriminatory portrayals of individuals or groups. Promotion of alcohol will not encourage misuse or place emphasis on quantity or frequency of use. Drinking will not be portrayed as contributing to the personal, academic or social success of students or individuals. Alcohol advertising will subscribe to the philosophy of responsible or legal use. Alcohol will not be associated with the performance of tasks that require skilled reactions, such as the operation of a motor vehicle or machinery.

## **PROMOTION / SPONSORSHIP**

Departments, programs or officially recognized organizations of Saint Michael's College will not enter into any promotional agreements or advertising agreements with alcoholic beverage distributors/companies or their agents. Student organizations, and programs affiliated with the College should ensure that any alcohol advertising and promotional activity accepted by their organization adhere to the guidelines outlined above.

## **DRUG POLICY**

Vermont State Law and Saint Michael's College prohibits the use, possession or transfer of controlled drugs, and subjects the offender to fine and/or imprisonment (18 VSA 4205; 18 VSA 4224). Transfer under this section is defined as including both sale and gift. Any violation of these laws will be considered serious and dealt with accordingly. Any person possessing or transferring illegal drugs shall be subject to disciplinary action and the following possible sanctions:

- verbal or written warning
- training
- counseling
- probation
- residential relocation
- class or academic re-assignment
- no contact order
- no trespass order
- suspension of a student's enrollment
- dismissal from the College

Sale and distribution may result in immediate dismissal.

The College also prohibits the possession, use or distribution of all types of paraphernalia. Possession of such paraphernalia will be considered sufficient evidence that a violation of the College drug policy has occurred.

**The complete Alcohol and Drug Policies may be found in Student Guide and Code.**

**SEXUAL HARASSMENT, SEXUAL MISCONDUCT, DOMESTIC VIOLENCE, DATING VIOLENCE, and  
STALKING POLICY**

**Notice of Nondiscrimination**

Saint Michael's College does not discriminate on the basis of sex in its education programs and activities, and Title IX of the Education Amendments Act of 1972, as amended ("Title IX"), as well as applicable state law, requires that it not discriminate in such a manner. Prohibited sex discrimination includes sexual harassment (as defined in the College's Sexual Harassment Policy) and sexual misconduct (as outlined in this new policy). Inquiries concerning the application of Title IX may be referred to the College's Title IX Coordinator (see below) or to the United States Department of Education Office for Civil Rights.

**Title IX Coordinator**

The designated Title IX Coordinator for Saint Michael's College is Catherine Welch, Assistant Dean of Students. The Title IX Coordinator is responsible for coordinating the College's efforts to comply with and carry out its responsibilities under Title IX.

The contact information for the Saint Michael's College Title IX Coordinator is:

Catherine Welch, Assistant Dean of Students  
Saint Michael's College  
One Winooski Place  
Colchester, Vermont 05439  
(802) 654-2271

cwelch2@smcvt.edu

The Title IX coordinator or designee is available to meet with students and employees as needed.

### **General Definitions**

The definitions of sexual assault, domestic violence, dating violence and stalking used in this policy are consistent with the Clery Act, as amended effective 2014. In its primary prevention and awareness programs for incoming students and new employees, and its ongoing prevention and awareness programs for students and employees, Saint Michael's College includes the definitions of sexual assault, the definition of consent in reference to sexual activity, and the definitions of domestic violence, dating violence and stalking that are used by Vermont criminal laws. [The Vermont specific definitions are included for reference in Appendix A.] However, the College utilizes its own definitions of these prohibited behaviors for purposes of this policy that are consistent with the Clery Act, as amended effective 2014, and determines responsibility for violations of College policy through its own procedures and standards of proof (that is, by a preponderance of the evidence standard), not through the procedures or standards of proof employed in the criminal justice system.

### **Complainant:**

A complainant is usually an individual filing a report of a violation of Saint Michael's College policies. In some cases (such as, for example, cases in which a person involved in an alleged incident of sexual harassment, sexual misconduct, domestic violence, dating violence, or stalking does not wish to participate in the process but the College decides that the alleged misconduct needs to be investigated and addressed), the College may move forward with an investigation and/or related disciplinary proceedings without a designated complainant. In such cases, the College may extend the full rights of the complainant as defined in this policy to affected parties as deemed appropriate by the College. For ease of reference and consistency, the term "complainant" is used hereafter in this policy to refer to a person who believes that they have been subjected to sexual harassment, sexual misconduct, domestic violence, dating violence or stalking, or who is believed by another to have been subjected to such conduct.

**Respondent:**

A respondent is an individual alleged to have violated the College's Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy.

**Retaliation:**

Retaliation against an individual for reporting, in good faith, unwelcome conduct of a sexual nature, sexual harassment, sexual misconduct, domestic violence, dating violence or stalking, or because they have cooperated in the investigation of a complaint of such conduct is unlawful and violates this policy. Retaliation includes, but is not limited to, adverse actions that have a substantial adverse effect on the working or educational environment of any individual involved in the complaint or the investigation such as:

- intimidation,
- reprisal,
- ostracism,
- actions altering the person's assignments, assessment of their work, or their living and learning environment, and/or
- threats, coercion, or otherwise discriminating against any individual for exercising his or her rights or responsibilities under this policy.

Any person who believes that they have been subjected to such retaliation should follow the complaint resolution procedures outlined in this policy.

**Sexual Harassment Policy****The Definition of Sexual Harassment:**

It is against the policies of Saint Michael's College, and may also be illegal under state and federal law, for any person to sexually harass another person. Saint Michael's College is committed to providing a campus free from such unlawful conduct.

Saint Michael's encourages members of the College community to report unwelcome conduct of a sexual nature so that it can investigate reports appropriately through the procedures outlined below. If the College determines that a student's conduct is sufficiently serious—that is, sufficiently severe or pervasive—to deny or limit a person's ability to participate in or benefit from the College's program based on sex and thereby creates a hostile environment, it will take prompt, appropriate and effective action to eliminate the hostile environment, prevent its recurrence, and address its effects.

Sexual harassment is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: submission to that conduct is made either explicitly or implicitly as a term or condition of employment or educational status; submission to or rejection of such conduct by an individual is used as a component or the basis for employment or educational decisions affecting that individual; or the conduct has the purpose or effect of substantially interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working, shared living, or educational environment.

Examples of sexual harassment include, but are not limited to the following, when such acts or behavior come within one of the above definitions:

- either explicitly or implicitly conditioning any term of employment or educational decision on the provision of sexual favors;
- touching or grabbing any part of a person's body (in a manner that is sexual or offensive on the basis of sex but that does not constitute "fondling", which is defined below and addressed as sexual misconduct under this policy) after that person has indicated, or it is known or should be known that such physical contact is unwelcome;
- continuing to ask a person to socialize on or off-campus when that person has indicated he or she is not interested;
- displaying or transmitting sexually suggestive pictures, objects, cartoons, messages, web links or posters if it is known or should be known that the behavior is unwelcome;
- continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;

- referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;
- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
- retaliating in any way against anyone who has filed or supported a complaint of sexual harassment (e.g. ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's educational, shared living, or work environment, etc.);
- communicating derogatory or provoking remarks about or relating to a person's sex or sexual orientation;
- directing harassing acts or behavior against a person on the basis of their sex or sexual orientation;
- off-campus conduct which falls within the above definition and affects a person's on-campus educational, shared living, or work environment.

Saint Michael's College recognizes that the protection of free and open speech and the open exchange of ideas is important to any academic community. This recognition is therefore an important element in the "reasonable person" standard used in judging whether sexual harassment has occurred. This policy is meant neither to proscribe nor to inhibit discussion, in or out of the classroom, of complex, controversial or sensitive matters, when in the judgment of a reasonable person they arise appropriately and with respect for the dignity of others. Saint Michael's College also recognizes, however, that verbal conduct can be used specifically to intimidate or coerce and to inhibit genuine discourse, free inquiry and learning. Such abuses are unacceptable. If someone believes that another's speech or writing is offensive, wrong or hurtful, he or she is encouraged to express that judgment in the exercise of his or her own free speech or to seek redress under the noted procedure(s) when appropriate.

### **Sexual Misconduct Policy**

As an educational institution, Saint Michael's College is committed to promoting, through educational and consciousness-raising activities (including the distribution of this policy), a campus environment where sexual misconduct is recognized as wholly intolerable, and where individuals subjected to sexual misconduct are provided with avenues of support and redress as appropriate. In accordance with this

commitment, the College has developed the following policy on sexual misconduct. Other educational and consciousness-raising activities are conducted through the efforts of a few offices that fall under Student Affairs and Academic Affairs scope of service. These offices include Residence Life, Bergeron Wellness Center, The Center for Women and Gender and Student Life.

The College is committed to take action, and may be required to take action, if it learns of potential sexual misconduct, even if the person subjected to such misconduct does not wish to formally file a complaint.

The College prohibits a broad range of inappropriate sexualized activity through this sexual misconduct policy, including sexual assault and other sexual misconduct.

### **Sexual Assault**

Sexual assault is one type of prohibited sexual misconduct. Committing sexual assault upon another person of any gender, is against the law and violates College policies. Sexual assault may be either rape, fondling without consent, incest, or statutory rape, as defined in the Clery Act and below. Rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent (as defined below) of the victim, including instances where the victim is incapable of giving consent because of his/her temporary or permanent mental incapacity. Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law in the applicable jurisdiction. Statutory rape is sexual intercourse with a person who is under the statutory age of consent in the applicable jurisdiction.

Sexual assault occurs when a person engages in a sexual act with another person:

- Without his or her consent (see definition below); or
- By threatening or coercing the other person; or
- By placing the other person in fear that any person will suffer imminent bodily injury; or

- When the person knows, or reasonably should know, that the other person's ability to give or withhold consent is impaired:
  - by the consumption of drugs, alcohol or other intoxicants; or
  - because the other person is subject to a physical or mental incapacity such as sleep or unconsciousness.
- Engaging in a sexual act with a person who is under the age of 16 also constitutes sexual assault under this policy.
- The College defines a **sexual act** as conduct between persons consisting of:
  - Contact between the penis and the vulva.
  - Contact between the penis and the anus.
  - Contact between the mouth and the penis.
  - Contact between the mouth and the vulva.
  - Any intrusion, however slight, by any part of a person's body or any object into the genital or anal opening of another.

For purposes of the College's Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence and Stalking policy, **consent** is defined by the following three criteria:

- That consent given is **informed**. A person engaging in sexual activity should consciously and fully understand what is occurring.
- That consent given is **voluntary**. A person engaging in sexual activity should do so without any coercion or pressure to do so.
- That consent is **clearly established**. An individual must be clear that their partner wishes to engage in all aspects of the sexual activity.

Consent is not present when the sexual act occurs because the respondent has threatened or coerced the other person, has placed the other person in fear that any person will suffer imminent bodily injury, or when the respondent knows, or reasonably should know, that the other person's ability to give or withhold consent is impaired:

- by the consumption of drugs, alcohol or other intoxicants; or
- because the other person is subject to a physical or mental incapacity such

- as sleep or unconsciousness.

Responsible, respectful communication is a standard of behavior that the College expects members of its community to uphold. **It should be understood by all that silence, passivity or lack of resistance by a partner to sexual activity cannot be assumed to indicate consent.**

It is the responsibility of those who initiate and/or engage in sexual activity to be clear that informed, voluntary consent is given before proceeding with further sexual activity. It should be noted that ignorance of the policy noted above, or the intoxication of the respondent, will in no way be considered an excuse for violating the policy.

### **Other Sexual Misconduct**

The College also prohibits through this policy other forms of sexual misconduct, such as (but not limited to) video recording or photographing of sexual acts or nudity of another member of the College community without the consent of a person involved, transmitting such video recordings or photographs without the consent of the person involved, or engaging in unwelcome physical touching of a sexual nature that does not meet the definitions of sexual assault or sexual harassment described above.

To understand how to file a complaint of sexual misconduct at Saint Michael's College, please see the section below on Complaint Procedures for Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence and Stalking.

### **College Policy on Domestic Violence, Dating Violence, and Stalking**

Saint Michael's College prohibits conduct by students that affects other students and that constitutes domestic violence, dating violence, or stalking, as defined below.

#### **Domestic Violence**

Domestic violence is physical violence or a threat of violence committed—

- (a) By a current or former spouse or intimate partner of the person subjected to the violence;
- (b) By a person with whom the person subjected to the violence shares a child in common;
- (c) By a person who is cohabitating with, or has cohabitated with, the person subjected to the violence as a spouse or intimate partner;
- (d) By a person similarly situated to a spouse of the person subjected to the violence under the domestic or family violence laws of the jurisdiction in which the violence occurred, or
- (e) By any other person against an adult or youth who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the violence occurred (it should be noted, however, that physical violence between roommates who are not and who have not been in an intimate or sexual relationship will not be handled under this policy, and instead will be handled under the College's general misconduct policies).

For the purposes of this definition, domestic violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse, if involving individuals who are in a relationship as defined above.

As a matter of Saint Michael's College policy, the College strictly prohibits conduct that would constitute domestic violence as defined above.

The College encourages complainants who believe they are being or have been subjected to such conduct, and others with knowledge of such conduct, to report the conduct to the College through the procedures described below, and to seek the support of the College and/or external resources identified in this policy.

### **Dating Violence**

Dating violence is physical violence or a threat of physical violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the reported victim. Dating violence includes, but is not limited to sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

As a matter of Saint Michael's College policy, the College strictly prohibits conduct that would constitute dating violence as defined above.

The College encourages individuals who believe they are being or have been subjected to such conduct, and others with knowledge of such conduct, to report the conduct to the College through the procedures described below, and to seek the support of the College and/or external resources identified in this policy.

### **Stalking**

“Stalking” is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- (a) Fear for the person’s safety or the safety of others; or
- (b) Suffer substantial emotional distress.

For the purposes of this definition—

- (a) *Course of conduct* means two or more acts, including, but not limited to, acts in which the alleged stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
- (b) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the person subjected to the stalking.
- (c) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

As a matter of Saint Michael’s College policy, the College strictly prohibits stalking as defined above.

The College encourages complainants who believe that they are being or have been subjected to such conduct, and others with knowledge of such conduct, to report the conduct to the College through the procedures described below, and to seek the support of the College and/or external resources identified in this policy.

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

- Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, text messages, written letters, gifts, or any other communications that are unwelcome.
- Use of online, electronic or digital technologies in connection with such communication, including but not limited to:
  - posting of pictures or text in chat rooms or on websites;
  - sending unwanted/unsolicited e-mail or talk requests;
  - posting private or public messages on Internet sites, social networks, and/or school bulletin boards
  - installing spyware on a person's computer;
  - using Global Positioning Systems (GPS) or similar technology to monitor a person.
- Pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the person.
- Surveillance or other types of observation including staring or "peeping"
- Trespassing
- Vandalism
- Non-consensual touching
- Direct verbal or physical threats
- Gathering information about an individual from friends, family, or co-workers
- Accessing private information through unauthorized means
- Threats to harm self or others
- Using a third party or parties to accomplish any of the above.

#### **Coordination with Other Policies**

Where alleged conduct by a respondent that is reported in connection with a reported violation of this policy also involves potential violations of the Saint Michael's College Student Code of Conduct that would not constitute sexual harassment, sexual misconduct, domestic violence, dating violence or stalking covered by this policy, the College may, at its discretion, choose to investigate and resolve such other potential Student Code of Conduct violations through an investigation under the procedures set forth in this policy, rather than the procedures set forth in the Student Code of Conduct.

### **Separate Handling of Other Policy Violations by Reporting Students**

The College's primary goals when responding to complaints of sexual misconduct, domestic violence, dating violence or stalking is to promote student safety, and to address that misconduct and prevent it from recurring. A student should not hesitate to report such misconduct due to a concern that the investigation process may indicate that they were under the influence of alcohol or drugs at the time of the incident. Violations of other College policies will be handled separately from sexual misconduct complaints, and the relatively minor sanctions that may result from a violation of other College policies under the circumstances should not dissuade a student from reporting relatively serious incidents of sexual misconduct, domestic violence, dating violence or stalking. The use of alcohol or drugs never makes the complainant at fault for such misconduct.

### **Confidentiality**

The College understands that individuals who have concerns about sexual harassment, sexual misconduct, domestic violence, dating violence, or stalking may look for assurances of confidentiality.

The College will protect the confidentiality of reported victims and other necessary parties to the extent practicable. When the College completes publicly available recordkeeping, including Clery Act Reporting and disclosures, it will not include personally identifying information about the reported victim and will maintain as confidential any accommodations or protective measures provided to the reported victim to the extent that maintaining such confidentiality would not impair the ability of the College to provide the accommodations or protective measures. The Title IX Coordinator or designee will work with the Director of the Department of Public Safety or designee to determine what information about a reported victim should be disclosed and to whom this information will be disclosed. Decisions about disclosure will be made by considering factors such as, but not limited to, the privacy interests of the reported victim and the potential need for disclosure in order to effectuate the accommodations or protective measures. If it is decided that some disclosure is necessary, reported victims will be informed of which information will be shared, with whom it will be shared and why.

### **Priests, Personal Counselors, and Health Services Professionals as Confidential**

## **Resources**

At Saint Michael's College, our clergy in Edmundite Campus Ministry, the professional personal counselors and health services staff respect and protect confidential communications from students to the extent that they are able to do so under applicable law. These professionals may have the responsibility to disclose otherwise-privileged information appropriately when they perceive an immediate and/or serious threat to any person or property. In addition, medical and mental health professionals are required by law to report any allegation of sexual assault of a person under age 18.

## **Other College Officials**

Other College officials are not able to guarantee confidentiality. General inquiries or questions about the Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence and Stalking policy and procedures may remain private, and the College will strive to protect the privacy of individuals to the extent it can while maintaining its obligations to uphold relevant policies and regulations and/or to take reasonable steps to promote the safety of members of the College community. The College has an obligation to investigate complaints of sexual harassment, sexual misconduct, domestic violence, dating violence, and/or stalking, and to take reasonable steps to prevent recurrence of such behavior. For this reason, absolute or strict confidentiality may not be guaranteed. When confidentiality is requested, the College will evaluate the request for confidentiality in the context of its responsibility to provide a safe and nondiscriminatory environment for all students, faculty and staff and to promote the health, safety, or well-being of members of the Saint Michael's community.

If an individual filing a report insists that his or her name or other identifiable information not be revealed and the College is able to respect that request, the College's ability to respond fully to the reported behavior may be limited.

The College will protect the confidentiality of individuals allegedly subjected to sexual misconduct, domestic violence, dating violence, and/or stalking to the extent practicable in light of the need to do investigations and conduct disciplinary proceedings.

The College will not include the names of complainants or other identifying information in publicly-available reports that are compiled as required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

**Community Assistance and Resources for Victims of Sexual Misconduct, Domestic Violence, Dating Violence, and/or Stalking**

**Confidential On-Campus Resources**

Kathy Butts, Asst. Director of Wellness Center/Director of Personal Counseling, 802-654-2234

Mary Masson, Executive Director of Wellness Center/Director of Health Services 802-654-2234

Health Services 802-653-2234

Personal Counseling Services 802-654-2234

Fr. Brian Cummings, Director of Edmundite Campus Ministry, 802-654-2333

**Responsible and Respectful But Not Necessarily Confidential On-Campus Resources**

Residence Directors and Resident Assistants

Academic Advisors

Faculty Members

Non clergy staff in Campus Ministry

Assistant and Associate Deans of Students

Public Safety 802-654-2000

Lou DiMasi, Dean of Students 802-654-2544

Dawn Ellinwood, Vice President for Student Affairs 802-654-2566

**Off-Campus Community Resources**

Hope Works (802) 863-1236

Colchester Police Department (802)264-5556

Chittenden Unit for Special Investigations (802)652-6800

Vermont State Police (802) 254-2382

**Reporting and Grievance Procedures for Sexual Harassment, Sexual Misconduct, Domestic Violence,  
Dating Violence, or Stalking Complaints**

The reporting and grievance procedure outlined below applies to sexual harassment, sexual misconduct, domestic violence, dating violence, and/or stalking complaints filed by students against other students, College staff or faculty, or third parties over whom the College has some measure of control.

When a student or employee reports to the College that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student's or employee's rights and options, as described in this policy.

Complaints of sex discrimination by College students, staff or faculty that do not involve alleged sexual harassment, sexual misconduct, domestic violence, dating violence or stalking as defined in this policy will be handled through the Office of Student Life (for students) and the Human Resource Office (for faculty & staff).

The procedures outlined below are designed to provide prompt, fair and impartial investigation and resolution of complaints of sexual harassment, sexual misconduct, domestic violence, dating violence, and stalking.

If any person affected by the College's investigation or adjudication of a complaint of sexual harassment, sexual misconduct, domestic violence, dating violence, or stalking is concerned that another person involved in the investigation or adjudication (such as, for example, an investigator or hearing panel member) may be biased against them or has a conflict of interest, the person should inform the office involved in investigating or adjudicating the complaint of that concern as soon as possible. The responsible official will consider the concern and inform the parties of their decision as to whether an alternate will be named.

Any student, faculty or staff member who wishes to report a complaint of or concern about sexual harassment, sexual misconduct, domestic violence, dating violence, or stalking is encouraged to contact Public Safety, the Dean of Students, Assistant/Associate Deans of Students, Resident Directors, Academic Advisors, Counselors, Human Resources staff, College Administrators, and/or local law enforcement officials.

In addition to (or instead of) the College's processes, any student who wishes to report a complaint of sexual misconduct, domestic violence, dating violence, or stalking may and should also pursue criminal charges with local, state, or federal law enforcement agencies.

The Office of Student Life, Public Safety, Human Resources Office, Personal Counseling and Health Services will offer to, and will upon request assist students in contacting law enforcement agencies. This action may be taken regardless of whether an individual chooses to file a complaint with the College. For their own part, a complainant may choose to notify such agencies with or without assistance from the College, or may choose not to notify such authorities. The procedures for making a police report will vary depending upon the particular law enforcement agency involved, but in general, making a police report will involve meeting with law enforcement officers for an interview, the collection of evidence, and follow-up communications with law enforcement as their investigation proceeds.

Individuals who are being or who may have been subjected to domestic violence, dating violence or stalking may have the right to obtain orders of protection, restraining orders and/or relief from abuse orders from Vermont courts. The College will support complainants 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 impose no-contact conditions on students, employees and third parties over which it has some measure of control. The College will inform complainants of their options in this regard.

**Medical Care** –Whether or not you decide to pursue criminal charges or a complaint at the College, you are encouraged to immediately seek any necessary medical care after an incident of sexual misconduct,

domestic violence or dating violence, and to seek help from appropriate law enforcement, medical or College personnel. Even if you are unsure initially whether you will want to pursue criminal charges or seek a protection order, it is important to preserve all possible evidence in case you decide at some point to do so.

Therefore, you should refrain from changing clothes, showering or otherwise changing your physical state after an incident, until after you have consulted with medical or law enforcement personnel about how to best preserve evidence.

In cases that have involved sexual contact, a forensic examination by a Sexual Assault Nurse Examiner (S.A.N.E.) is the best way to preserve potentially valuable evidence. S.A.N.E. examinations are available at the University of Vermont Medical Center's Emergency Department, which is located at 111 Colchester Avenue, Burlington, Vermont 05401 ((802) 847-0000. The College will assist a reported victim who would like to be transported to the UVM Medical Center for a S.A.N.E. examination. Having a S.A.N.E. examination does not require a reported victim to file a police report or pursue criminal prosecution or a protective order, but having an examination can be very important if the reported victim decides at a later time to pursue any of those options.

### **Interim Measures**

If you report sexual harassment, sexual misconduct, domestic violence, dating violence or stalking to College authorities, College personnel will work with you to determine whether alternative academic, transportation, working and/or living situations are reasonably available and necessary in your particular case. Such measures will be provided if requested and reasonably available. These measures may be **remedial** (measures designed to maintain continued access to educational opportunities) or **protective** (involving a restrictive action against a respondent).

Interim remedial measures may include:

- Access to counseling and medical services;
- Assistance in obtaining a sexual assault nurse examination;
- Assistance in arranging rescheduling of exams and assignments and extensions of deadlines;

- Academic supports;
- Assistance in requesting long-term academic accommodations through the Office of Access and Learning Accommodation, if the complainant qualifies as an individual with a disability;
- Change in the complainant's class schedule, including the ability to transfer course sections or withdraw from a course;
- Change in the complainant's work schedule or job assignment;
- Change in the complainant's campus housing;
- Assistance navigating off-campus housing concerns;
- Escort and other safety planning steps;
- Imposition of a "no contact directive," an administrative remedy designed to curtail contact and communications between two or more individuals;
- Voluntary leave of absence;
- Referral to resources which can assist in obtaining a protective order under Vermont law;
- Referral to resources which can assist with any financial aid, visa, or immigration concerns; and/or
- Any other remedial measure that can be used to achieve the goals of this policy.
- Interim remedial measures are available to the complainant regardless of whether the complainant pursues an investigation or seeks formal disciplinary action.

Interim protective measures may include:

- Change in the respondent's class schedule;
- Change in the respondent's work schedule or job assignment;
- Change in the respondent's campus housing;
- Exclusion from all or part of College housing;
- Exclusion from specified activities or areas of campus;
- Prohibition from participating in student activities or representing the College in any capacity such as playing on an official team, serving in student government, and performing in an official band, ensemble, or production;
- Interim suspension and/or
- Any other protective measure that can be used to achieve the goals of this policy.

The availability of remedial and protective measures will be determined by the specific circumstances of each report. The College will consider a number of factors in determining which measures to take, including the needs of the student or employee seeking remedial and/or protective measures; the severity or pervasiveness of the alleged conduct; any continuing effects on the complainant; whether the complainant and the respondent share the same residence hall, academic course(s), or job location(s); and whether judicial measures have been taken to protect the complainant (e.g., protective orders or relief from abuse orders). The College will work in good faith to implement the requirements of judicially-issued protective orders or relief from abuse orders and similar orders, to the extent that doing so is within its authority.

The determination of whether to impose the interim protective measure of interim suspension will be made by the Title IX Coordinator in consultation with other College officials as appropriate. A respondent may be suspended on an interim basis when the College has received information which indicates that the continued presence on campus of the respondent will likely have a serious effect on the physical, mental, or emotional health, safety or well-being of another person, when physical safety is seriously threatened, or when the ability of the College to carry out its operation is threatened or impaired.

Any interim measures will not disproportionately impact the complainant. Requests for interim measures may be made by the complainant to the Title IX Coordinator. The Title IX Coordinator is responsible for ensuring the implementation of interim measures and coordinating the College's response with the appropriate offices on campus. The Title IX Coordinator has the discretion to impose and/or modify any interim measure based on all available information and is available to meet with a complainant or respondent to address any concerns about the provision of interim measures. The College will maintain the privacy of any remedial and protective measures provided under this policy to the extent practicable and will promptly address any violation of protective measures.

All individuals are encouraged to report to the Title IX Coordinator any concerns about the failure of another to abide by any restrictions imposed through interim measure. In the event of an immediate health or safety concern, individuals should contact 911 immediately. The College will take immediate action to enforce a previously implemented measure, and disciplinary penalties can be imposed for

failing to abide by a College-imposed interim measure. You do not have to file a formal complaint, participate in a disciplinary process, or file a criminal complaint in order to ask for such help from the College.

The College will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims both within the institution and in the community.

### **Reporting**

Individuals with supervisory or oversight responsibility (for example, Assistant/Associate Deans of Students, Academic Advisors, Public Safety Staff, Department Chairs, staff supervisors or faculty) are responsible for promptly reporting to the Dean of Students or Human Resources, any complaint or suspected and/or alleged acts of sexual harassment, sexual misconduct, domestic violence, dating violence, or stalking. Failure by a supervisor to appropriately report such complaints and/or alleged acts could result in disciplinary action.

### **Informal Resolution of Student Sexual Harassment Complaints**

Students who believe they have been subjected to unwelcome conduct of a sexual nature that does not constitute sexual assault and/or sexual harassment may seek informal resolution of the issues without filing a formal complaint by contacting the Dean of Students. At the discretion of the Dean of Students, the consideration of a complaint under this section may be assigned to their designees. Informal complaints may be oral or written. In many instances, informal discussion and counseling can be useful in resolving perceived or actual instances of sexual harassment. Problems are sometimes easier to resolve when an informal atmosphere encourages people to identify the difficulty, talk it out, and agree on how to deal with it. Informal complaint resolution does not involve disciplinary proceedings against the alleged harasser.

If requested by the complaining party, the Dean of Students (or designee) will assist in attempting to resolve the complaint informally. Such assistance may involve, for example, advising the complainant with respect to communicating with the respondent about the cessation of the behavior. Alternatively,

the complainant may ask the Dean of Students to meet with the alleged harasser, or to explore other possible resolutions. The Dean of Students may enlist the help of other College personnel, such as deans, administrators or Human Resources personnel, in resolving an informal complaint, but only with the written permission of the complaining student.

Use of the informal procedures set forth in this section is not a prerequisite to initiating a formal complaint. Students seeking informal resolution have the right to end the informal process at any time and begin the formal complaint process. This informal mediation process will not be used in cases involving alleged sexual misconduct, domestic violence, dating violence, or stalking.

Informal complaints should be raised as soon as possible, because the more time that elapses between alleged incidents of sexual harassment and the filing of an informal complaint, the more difficult it may be to resolve the complaint successfully.

Resolution of the informal complaint process should be reached within forty-five (45) days of the report to the College, absent extenuating circumstances of which the parties will be informed.

#### **Filing a Formal Complaint of Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, Stalking or Related Retaliation**

A student may file a formal complaint of sexual harassment, sexual misconduct, domestic violence, dating violence, stalking or related retaliation by a student or a third party by contacting the Dean of Students (or in the case of a complaint against the Dean of Students, by contacting the President of the College, who will designate an alternate contact person). A student may file a formal complaint of sexual harassment, sexual misconduct, domestic violence, dating violence, or stalking by an employee or a third party by contacting the Director of Human Resources (or in the case of a complaint against the Director of Human Resources, by contacting the President of the College, who will designate an alternate contact person). A student who is filing a complaint against an employee may also seek assistance from the Dean of Students, who will provide support to the student in making contact with the Director of Human Resources.

The College's procedures for handling formal complaints 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;
- 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 the investigation or adjudication may be biased or have a conflict of interest, the party should share their concerns with the Title IX Coordinator immediately.

After an initial discussion, the complainant will be asked to prepare (or describe to the Dean of Students/Vice President of Human Resources or designee and sign) a written statement describing the complaint. The statement should include information such as the date and time of the alleged sexual harassment, sexual misconduct, domestic violence, dating violence, or stalking, the name of the respondent, the circumstances of the alleged sexual harassment, sexual misconduct, domestic violence, dating violence, or stalking, and the identity of any persons who may have knowledge or information regarding the circumstances.

The Title IX Coordinator will receive the written statement and promptly determine whether it alleges conduct prohibited by the policy. In cases where the Title IX Coordinator believes that the allegations, if proven, would not constitute a violation of this policy, the complainant will be advised of other judicial and support options as appropriate (which may include a referral for handling under another College conduct policy and procedure), and no further investigation will be pursued under this policy. If new information is subsequently provided to the Title IX Coordinator, this decision may be re-evaluated. If the Title IX Coordinator determines that the complaint alleges conduct prohibited by this policy, the complaint will be assigned to an investigator or investigators.

The Dean/VP (or designee) will inform the respondent of the allegations that will be investigated and the policies that may be implicated by the allegations.

Respondents will be notified that taking any retaliatory action (directly or through others) that affects the learning, shared living, or working environment of any person involved in the investigation is prohibited by law and will also be considered a separate violation of College policy.

## **Investigation**

The Title IX Coordinator will appoint an investigator or investigators (referred to in the singular here for convenience). Investigators may be College employees or third party contractors, as determined at the College's discretion. The office coordinating the investigation will provide a copy of this policy to the complainant and respondent, and will inform both parties in writing that the College is investigating the possibility that the respondent may have committed sexual assault, sexual misconduct, domestic or dating violence, or stalking and/or related retaliation.

Should a respondent who has been notified of an investigation fail to cooperate with the investigator, the investigation may proceed, a finding may be reached, and a sanction may be imposed based on the information available. The rights of complainants and respondents are described below.

## **Rights of Complainants**

Individuals whose complaints of sexual harassment, sexual misconduct, domestic violence, dating violence, stalking or related retaliation, are being investigated and adjudicated by the College can anticipate that:

- They will be treated with sensitivity, dignity, respect and in an unbiased manner by all involved administrators, investigators and adjudicators.
- They will be informed in writing that their complaint is being investigated, and of any other related policy violations being explored through this investigation.
- They will be afforded the same rights and opportunities as the respondent throughout the investigation and adjudication process.
- They will be given periodic status updates throughout the investigation and adjudication process.
- They may access College and/or external resources for medical and counseling services at any time.

- They may choose to pursue a formal complaint with external law enforcement authorities or other federal or state agencies at any time, or they may decline to do so.
- They may be accompanied by an advisor of their choice to any meeting, interview or proceeding that they are attending regarding the investigation and adjudication process.
- They may submit one character reference letter for consideration.
- They may meet with an investigator prior to the determination of a finding.
- In the event of a finding of a policy violation, they may submit a Sanction Statement.
- They will be informed in writing, simultaneously with the respondent, of:
  - the adjudication result;
  - any applicable procedures to appeal the result of the College's disciplinary proceedings, to the extent they are available;
  - any change to the result following an appeal; and
  - when such results become final.
- If the respondent has a right to appeal the result under applicable College policies, the complainant will have the same right. An investigator will provide written notification to a complainant of any applicable appeal procedures at the time the complainant receives notice of the result.
- They may retain legal counsel at any time. An attorney who wishes to communicate with the College about a case may contact the College's legal counsel directly. An attorney who is asked to serve as an advisor during this process is subject to the same restrictions applicable to all advisors.

### **Rights of Respondents**

Individuals responding to sexual harassment, sexual misconduct, domestic violence, dating violence, or stalking that are being investigated and adjudicated by the College can anticipate that:

- They will be treated with sensitivity, dignity, respect and in an unbiased manner by all involved administrators, investigators and adjudicators.
- They will be informed in writing that a complaint of sexual harassment, sexual misconduct, domestic violence, dating violence, or stalking against them is being investigated, and of any other related policy violations being explored through this investigation.
- They will be afforded the same rights and opportunities as the complainant throughout the investigation and adjudication process.

- They will be given periodic status updates throughout the investigation and adjudication process.
- They may access College and/or external resources for medical and counseling services at any time.
- They may be accompanied by an advisor of their choice to any meeting, interview or proceeding that they are attending regarding the investigation and adjudication process.
- They may submit one character reference letter for consideration.
- They may meet with an investigator prior to the determination of a finding.
- In the event of a finding of a policy violation, they may submit a Sanction Statement.
- They will be informed in writing, simultaneously with the complainant, of:
  - the adjudication result;
  - any applicable procedures to appeal the result of the College's disciplinary proceedings, to the extent they are available;
  - any change to the result following an appeal; and
  - when such results become final.
- If the respondent has a right to appeal the result under applicable College policies, the complainant will have the same right. An investigator will provide written notification to a respondent of any applicable appeal procedures at the time the respondent receives notice of the result.
- They may retain legal counsel at any time. An attorney who wishes to communicate about a case with the College may contact the College's legal counsel directly. An attorney who is asked to serve as an advisor during this process is subject to the same restrictions applicable to all advisors.

### **Investigation (continued)**

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

The College may choose to discontinue an investigation at any time. The complainant may request that an investigation be discontinued at any time. The College will attempt to honor the wishes of the complainant. However, to accommodate cases where compelling evidence suggests significant individual or community safety concerns, the decision to continue an investigation is within the sole discretion of the College.

To the extent permitted by law, the complainant and respondent will be afforded the same rights and opportunities throughout the investigation and adjudication process, including the opportunity to recommend witnesses and submit evidence. However, investigation logistics, including but not limited to the sequence of interviews, the decision to interview particular witnesses, and the decision to allow or consider evidence offered by the parties, are within the discretion of the investigator.

The College's investigation process does not require or permit the complainant and respondent to interact or communicate directly or indirectly with each other concerning the process or the matter under investigation at any time. The parties are therefore not permitted to question or cross-examine each other during the course of the investigation.

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

All participants in the investigation are expected to cooperate fully by providing complete, accurate, and truthful information. They may also be expected to sign statements or other documents memorializing the information they provided, and may be asked to keep the substance of the interview confidential. Failure to cooperate fully with the investigator may subject the individual to the full range of disciplinary actions, as applicable.

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 adjudication process under this policy. The advisor may advise the complainant or respondent privately, but cannot act as a speaking advocate at a meeting. An investigator or other College representative may terminate meetings, and/or proceed with the investigation or adjudication based on otherwise-available information if an advisor is disruptive or otherwise refuses to comply with the requirements of this policy.

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

An individual designated by the Title IX Coordinator will enable communications between the parties and the investigator.

Once the investigator has gathered all of the information that they determine should be gathered as an initial matter, they will prepare preliminary findings of fact that will, together with any notes or other information gathered by the investigator, be made available to the parties for their review. The parties will have a period of five calendar days to review such information and, if they choose, to, they may: 1) suggest additional investigation by the investigator, including but not limited to interviews of additional witnesses; and/or 2) suggest questions to be posed by the investigator of the other party or witnesses. The investigator will determine in their discretion whether and to what extent to pursue some or all of the additional investigation and questioning requested by the parties, and will frame any resulting investigation and questioning at their discretion.

Once any additional investigation is completed, the investigator will create a final investigation report that will contain any updated findings of fact, any additional evidence gathered, and the investigator's analysis, rationale and recommendation regarding whether a preponderance of the evidence establishes a violation of any of the College policies under investigation. The parties will then have 3 business days to provide a written response to the final investigation report. Each party will be allowed to review the other party's written response. The final investigation report, its attachments, and the parties' written responses will be provided to a determination panel, for its consideration as provided below. These time periods may be extended upon request for good cause, at the discretion of the Title IX Coordinator or their designee.

Each party may submit one character reference letter no later than when they provide their written response to the final investigation report. The person providing the character reference is invited to introduce the party to the investigator and to the determination panel outside of the context of the incident in question. The person providing the reference is not permitted to offer testimony or commentary related to the incident in question, or to include that person's assessment of the case or the party's role in it in any way.

After considering the parties' written responses to the final investigation report and attachments and their character reference letters, if any, the investigator will prepare a report for the determination panel. The report will include the investigator's recommended finding of whether the policy or policies under investigation has/have been violated, and the investigator's rationale. The investigator's recommendation will be based on the preponderance of evidence standard, i.e., whether it is more likely than not that the policy was violated. The recommended findings are within the discretion of the investigator. The determination panel members will have access to all investigation materials deemed relevant by the investigator, and to character references, when they review the investigator's report.

In a case where a criminal investigation or criminal proceeding may be underway for the same complaint, the College may choose to delay its investigation for a reasonably short period while police are gathering evidence. During this period, the College reserves the right to take interim steps to promote the safety and well-being of the complainant and the College community while the law enforcement agency's fact-gathering is in progress. The College, after a reasonable period and communication with law enforcement, will initiate or resume, and complete its own investigation.

To protect the integrity of the investigation, complainants, respondents, witnesses, affected parties and advisors shall not disclose any information discussed or revealed during the investigation while the investigation and adjudication process is still pending, other than to the investigator, and/or a confidential resource such as their mental health counselor or attorney (who also must not disclose such information), or a non-attorney advisor (who also must not disclose such information), except if they reasonably believe that disclosing such information to a law enforcement agency is necessary to lessen or avoid a substantial and imminent risk of physical harm to any person, or they are otherwise required by law to do so.

The College will endeavor to complete its investigation within sixty (60) days of the initial report to the College, absent extenuating circumstances. The College will keep the parties informed regarding the need for any extensions of this period.

### **Determination Panels in Cases Involving Student Respondents**

After the investigator's report is final, it will be transmitted to a determination panel. Upon initial review of the report, the determination panel may move forward with a determination or may direct the investigator to pursue an additional investigation and supplement their report. If the report is supplemented the parties will have access to the report and any additional evidence and will have an opportunity to submit a written response by a deadline established by the determination panel.

The determination panel is responsible for making the determination of whether any College policy under investigation has been violated. It will consist of three members selected from a list of six to seven potential panel members. Potential panel members will be members of the College faculty or staff appointed by the President of the College. As described above, they will receive the same training as investigators, at least annually.

The determination panel is not bound by the investigator's report; rather it is advisory to the panel. The panel may accept or reject the investigator's recommended finding in whole or in part, and may request additional relevant information before making a determination. The panel will avoid duplicating the efforts of the investigator, and will not accept the investigator's recommended finding without careful review of the evidence.

After a review of all evidence, the investigator's report and recommended finding, and the parties' written responses and character references, the panel will issue a determination, in writing, as to whether the allegations that sexual harassment, sexual misconduct, domestic or dating violence, stalking, related retaliation, and/or any additional prohibited behaviors being investigated, are proven by a preponderance of the evidence. In the event of a decision that is not unanimous, the determination will note that one panel member dissented but the majority's finding will be the finding of the panel. The determination will contain an explanation of the rationale for the determination,

including (1) how the evidence and information presented during the investigation and adjudication process was weighed; (2) how the standard of evidence was applied; and (3) how the evidence and information support the determination.

The complainant and respondent will be simultaneously informed, in writing, (a) of the panel's determination (that is, the result of the proceeding and the rationale); (b) of the College's procedures for complainants and respondents to appeal the determination and/or actions imposed, if applicable; (c) of any change to the results of the disciplinary process that occurs prior to the time that such results become final; and (d) when such results become final.

If the panel decides that a policy violation occurred and makes a finding of responsibility, that finding will be forwarded to an office with jurisdiction in order to decide the appropriate sanction.

Any official record will be kept on file at the Office of Student Life. After the College's investigation and adjudication process has concluded, complainants, respondents, witnesses, affected parties and advisors are prohibited from disclosing, describing, or publishing any and all documents the College provided during the investigative and/or adjudicative process, unless the disclosure is required or expressly permitted by law or applicable guidance. While this provision prohibits dissemination of the College's investigation materials and information an individual learns from these materials, it does not prohibit the sharing of information about which individuals have independent knowledge as long as they do not engage in retaliation or violate any other College policies.

In accordance with applicable law and/or federal guidance, a complainant is not prohibited from sharing the results of a case involving a report of sexual assault, domestic violence, dating violence, or stalking. The results of a case consist of the name of the respondent, any violation found to have been committed, and any sanction imposed against the respondent by the College.

All materials collected and generated in the course of an investigation are the property of the College. Complainants, respondents, witnesses, affected parties and advisors may not record interviews or administrative meetings associated with the investigation and adjudication process.

## **Sanctions**

The possible sanctions the College may impose following a finding of responsibility for an allegation of sexual harassment, or misconduct covered by the Policy that does not constitute sexual assault may include but are not limited to:

- verbal or written warning;
- training;
- counseling;
- probation;
- residential relocation;
- class or academic re-assignment;
- no contact order;
- no trespass order;
- suspension of a student's enrollment;
- dismissal from the College:

The possible sanctions the College may impose following a finding of responsibility for an allegation of sexual assault covered by the Policy may include but are not limited to:

- probation;
- class or academic re-assignment;
- residential relocation;
- suspension of a student's enrollment;
- dismissal from the College.

For a full description of these sanctions, please see the policy under "Disciplinary Status Sanctions" in the **Student Code of Conduct and Policies** booklet.

### **Standard of Proof**

Like Saint Michael's College's student disciplinary system in general, the process to address complaints of sexual harassment, sexual misconduct, domestic violence, dating violence, stalking or related retaliation uses the standard of proof of "a preponderance of the evidence" or "more likely than not." This means that for a finding of responsibility to be made, at least two members of the determination panel must conclude that there is more than a 50 percent likelihood that actions or behavior in violation of the policy at issue did occur.

### **Disposition Without A Determination/Dean's Sanction**

In cases where the facts are not in dispute, and a student respondent is prepared to accept responsibility for his/her actions, the College may offer the option of Disposition Without a Determination, also called a Dean's Sanction. For a full description of these sanctions, please see the policy under "Disciplinary Sanctions" in the **Student Code of Conduct and Policies** booklet.

### **Appeal Procedure for Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, Stalking or Related Retaliation Decisions**

Within seven (7) calendar days of the panel's determination, the complainant or respondent may appeal the decision to the President of the College (or designee) by delivering a written statement of appeal to the President and to the other party. The other party may be notified of any submitted appeal through the Dean of Students or his or her designee. The other party may submit a written response to the appeal to the President within 5 working days of delivery of the statement of appeal. Both parties will be informed of any change to the results of a disciplinary process that occurs prior to the time that such results become final, and when such results become final. The decision of the President is final.

### **Disciplinary Procedure for Cases Involving Employee Respondents and Others**

Disciplinary procedures for employees charged with violating the College's Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking Policy are available from the Human Resources website.

## **Educational Programming**

The College will provide educational programming for students and employees addressing the issues of domestic violence, dating violence, sexual violence, and stalking, which will include: 1) primary prevention and awareness programs for all incoming students and new employees; 2) safe and positive options for bystander intervention; 3) information on risk reduction to recognize warning signs of abusive behavior; 4) ongoing prevention and awareness programs for students, faculty and staff who have responsibility for working with students.

Programming includes statements that the College prohibits domestic violence, dating violence, sexual assault, and stalking, as they are defined in the Clery Act. Programming includes the Vermont-specific definitions, including the definition of consent. **2016-2017**

## **Title IX Programming & Policy Efforts**

### **Year-Long Efforts**

**Step Up! Bystander Intervention Training**—A group of staff were trained by the University of Arizona to run this bystander intervention model with students. The Step Up! training was presented to 500+ throughout the academic year.

**Trauma-Informed Training with HOPE Works**—HOPE Works ran 50+ hours of training throughout the academic year with faculty & staff around trauma-informed practices and investigations.

**Climate Survey**—We ran a two week climate survey through EverFi to gain data surrounding sexual violence, reporting tendencies, personal beliefs, and campus climate toward this issue. The data we gathered will inform our efforts going forward.

**Responsible Employee Presentations with Faculty/Staff**—One of our Title IX Deputies met with every academic department and gave a presentation on the role of faculty as “responsible employees.” This presentation led to great discussion and raised awareness with this group of campus constituents.

**Sexual Violence Resource Poster**—A poster was developed during the summer to outline resources available, both on-campus and off-campus, to students who have experienced sexual violence. Over 175 posters were posted in every bathroom across campus.

**Title IX Website**— Our first Title IX/Sexual Violence website was developed, outlining our policy, how the reporting process works, and the resources available both on and off campus. This website will continue to be updated as we move forward.

**Rights & Options**— This handout was developed to clearly and thoroughly outline all the different options available to students who may have experienced sexual violence. Every student who comes forward to make a report, or who discloses to a confidential campus resource, is given this handout so they are aware of all of the rights & options available to them.

**Programmatic Efforts:**

**Clothesline Project** - Now in its 65<sup>th</sup> year, the Clothesline project is a visual display that bring a voice to survivors of sexual assault. The CWG will be partnering with representatives from Women Helping Battered Women, Hope Works, and the Pride Center of Vermont. Campus representatives from Common Ground and the Feminist Club will also be available.

**Healthy Relations Workshop** –Emily Fredette, education advocate from Women Helping Battered Women offered a workshop on consent and healthy relationships.

**Trauma Informed Workshop** –Advocates from HOPE Works presented an informational workshop for faculty and staff on best practices for victims of sexual assault and violence.

**Safety Team self-defense workshop** –The Safety Team's main focus is on the prevention and defense of sexual assault and domestic violence. There is a team which consists of seven highly skilled women who together have over 50 years of martial arts training, including extensive training at the [Martial Way Self-Defense Center](#) in Colchester and Milton, Vermont.

**Consent Workshop** –Educators from HOPE Works will lead an interactive presentation and discussion around consent. What is it? What does it look like? Why is it so important?

**R.A.D. Self-Defense Training** –This intensive self-defense training includes minimal lecture, with an emphasis on discussion and physical technique training. This is a women's-only class.

**It Happens Here** – An anonymous reading of stories of sexual assault that have occurred at SMC. Statistics, resources, and discussion will follow the reading.

**UVM Dismantling Rape Culture Conference** – Tuesday April 12: Staff, faculty, and students from SMC attended the day-long conference featuring presentations, workshops, and discussions aimed at addressing rape culture on our campuses and within our society. A recap and discussion of the conference was held at SMC's Center for Women and Gender.

## **Resources**

Student Guide and Code: <https://my.smcvt.edu/studentlife/Residencelife/Pages/default.aspx>

Silent Witness Webpage:

<http://www.smcvt.edu/On-Campus/Wellness-and-Safety/Public-Safety/Helpful-Forms/Silent-Witness.aspx>

LiveSafe Mobile App: [www.livesafemobile.com](http://www.livesafemobile.com)

RAVE Mobile Safety: [www.getrave.com](http://www.getrave.com)

Vermont online Sex Offender Registry:

[http://www.icrimewatch.net/search\\_vt.php?AgencyID=55275&disc=55275](http://www.icrimewatch.net/search_vt.php?AgencyID=55275&disc=55275)

## **CAMPUS CRIME STATISTICS DISCLOSURE**

In compliance with the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, statistics of the following crimes and VAWA offenses are disclosed:

- Homicide
- Sexual Assault
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Domestic Violence
- Dating Violence
- Stalking

They are to be categorized by locations of on campus (residential and other), non campus (college owned properties not on campus) and public property (adjacent to campus).

Additionally, the following crimes ***that are found to be motivated by bias or hate*** must be disclosed:

- Simple Assault or Larceny
- Intimidation/Harassment
- Destruction of Property/Vandalism
- Any Other Crime Involving Bodily Injury

These statistics are compiled by the Department of Public Safety through our own reporting. Each campus case is reviewed by a supervisor to ensure accurate and complete reporting compliance. The statistics are compiled by the Director of Public Safety and/or the patrol Sergeant for inclusion in this report. The college also requests crime statistics annually from the Colchester Police Department for comparison and inclusion where appropriate.

On March 7, 2013, President Obama signed a bill that strengthened and reauthorized the Violence Against Women Act, which amended the Jeanne Clery Act and affords additional rights to campus victims of sexual assault, dating violence, domestic violence, and stalking. The reporting requirements for this bill became effective beginning with the 2014 calendar year statistics. St. Michael's College has tabulated the statistics meeting the anticipated requirement for reporting the 2013 calendar year has included them in this report.

These statistics are listed for the prior three calendar years on the following pages.

2016	Criminal Offenses	ON CAMPUS		ON CAMPUS (TOTAL)	NON CAMPUS	PUBLIC PROPERTY
		Student Housing	Other			
<b>CRIMINAL HOMICIDE</b>						
	MURDER/NONNEGIGENT MANSLAUGHTER	0	0	0	0	0
	NEGLIGENT MANSLAUGHTER	0	0	0	0	0
<b>SEX OFFENSES</b>						
	SEX OFFENSE: FONDLING	1	0	1	0	0
	SEX OFFENSE: INCEST	0	0	0	0	0
	SEX OFFENSE: RAPE	4	0	4	0	0
	SEX OFFENSE: STATUTORY RAPE	0	0	0	0	0
	ROBBERY	0	0	0	0	1
	AGGRAVATED ASSAULT	0	1	1	0	0
	BURGLARY	2	3	5	0	0
	MOTOR VEHICLE THEFT	0	0	0	0	0
	ARSON	0	0	0	0	0

2015	Criminal Offenses	ON CAMPUS		ON CAMPUS (TOTAL)	NON CAMPUS	PUBLIC PROPERTY
		Student Housing	Other			
<b>CRIMINAL HOMICIDE</b>						
	MURDER/NONNEGIGENT MANSLAUGHTER	0	0	0	0	0
	NEGLIGENT MANSLAUGHTER	0	0	0	0	0
<b>SEX OFFENSES</b>						
	SEX OFFENSE: FONDLING	2	0	2	0	0
	SEX OFFENSE: INCEST	0	0	0	0	0
	SEX OFFENSE: RAPE	3	0	3	0	0
	SEX OFFENSE: STATUTORY RAPE	0	0	0	0	0
	ROBBERY	0	0	0	0	0
	AGGRAVATED ASSAULT	0	0	0	0	0
	BURGLARY	1	0	1	0	0
	MOTOR VEHICLE THEFT	0	0	0	0	0
	ARSON	0	0	0	0	0

2014	Criminal Offenses	ON CAMPUS		ON CAMPUS (TOTAL)	NON CAMPUS	PUBLIC PROPERTY
		Student Housing	Other			
<b>CRIMINAL HOMICIDE</b>						
	MURDER/NONNEGIGENT MANSLAUGHTER	0	0	0	0	0
	NEGLIGENT MANSLAUGHTER	0	0	0	0	0
<b>SEX OFFENSES</b>						
	SEX OFFENSE: FONDLING	3	1	4	0	0
	SEX OFFENSE: INCEST	0	0	0	0	0
	SEX OFFENSE: RAPE	4	0	4	0	0
	SEX OFFENSE: STATUTORY RAPE	0	0	0	0	0
	ROBBERY	0	0	0	0	0
	AGGRAVATED ASSAULT	1	0	1	0	0
	BURGLARY	15	1	16	0	0
	MOTOR VEHICLE THEFT	0	0	0	0	0
	ARSON	0	0	0	0	0
2016	Arrest and Judicial Referrals	ON CAMPUS		ON CAMPUS (TOTAL)	NON CAMPUS	PUBLIC PROPERTY
		Student Housing	Other			
<b>ARRESTS</b>						
	LIQUOR LAW VIOLATIONS	2	0	2	0	0
	DRUG LAW VIOLATIONS	3	0	3	0	0
	ILLEGAL WEAPONS POSSESSION	0	0	0	0	0
<b>JUDICIAL REFERRALS</b>						
	LIQUOR LAW VIOLATIONS	45	8	53	1	0
	DRUG LAW VIOLATIONS	29	0	29	0	0
	ILLEGAL WEAPONS POSSESSION	0	0	0	0	0

2015	Arrest and Judicial Referrals	ON CAMPUS		ON CAMPUS (TOTAL)	NON CAMPUS	PUBLIC PROPERTY
		Student Housing	Other			
<b>ARRESTS</b>						
	LIQUOR LAW VIOLATIONS	52	18	70	0	3
	DRUG LAW VIOLATIONS	13	1	14	0	0
	ILLEGAL WEAPONS POSSESSION	0	0	0	0	0
<b>JUDICIAL REFERRALS</b>						
	LIQUOR LAW VIOLATIONS	85	8	93	0	0
	DRUG LAW VIOLATIONS	49	3	52	0	0
	ILLEGAL WEAPONS POSSESSION	0	0	0	0	0

2014	Arrest and Judicial Referrals	ON CAMPUS		ON CAMPUS (TOTAL)	NON CAMPUS	PUBLIC PROPERTY
		Student Housing	Other			
<b>ARRESTS</b>						
	LIQUOR LAW VIOLATIONS	37	28	65	0	0
	DRUG LAW VIOLATIONS	8	0	8	0	0
	ILLEGAL WEAPONS POSSESSION	0	0	0	0	0
<b>JUDICIAL REFERRALS</b>						
	LIQUOR LAW VIOLATIONS	97	14	111	0	0
	DRUG LAW VIOLATIONS	70	3	73	0	0
	ILLEGAL WEAPONS POSSESSION	0	0	0	0	0

2016	VAWA	ON CAMPUS		ON CAMPUS PROPERTY	NON	PUBLIC (TOTAL)	CAMPUS
		Student Housing	Other				
<b>VAWA Crimes</b>							
	Dating Violence	2	0	2	0	0	
	Domestic Violence	0	0	0	0	0	
	Stalking	0	0	0	0	0	

2015	VAWA	ON CAMPUS		ON CAMPUS (TOTAL)	NON CAMPUS	PUBLIC PROPERTY
		Student Housing	Other			
<b>VAWA Crimes</b>						
Dating Violence		3	0	3	0	1
Domestic Violence		2	0	2	0	0
Stalking		0	0	0	0	0

  

2014	VAWA	ON CAMPUS		ON CAMPUS (TOTAL)	NON CAMPUS	PUBLIC PROPERTY
		Student Housing	Other			
<b>VAWA Crimes</b>						
Dating Violence		3	0	3	0	0
Domestic Violence		0	0	0	0	0
Stalking		0	0	0	0	0

Clergy Act Reportable Offenses	Category of Hate Crime						National Origin	Gender Identity
	Race	Gender	Religion	Sexuality	Ethnicity	Disability		
MURDER/NONNEGIGENT	0	0	0	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0
SEX OFFENSE: FONDLING	0	0	0	0	0	0	0	0
SEX OFFENSE: INCEST	0	0	0	0	0	0	0	0
SEX OFFENSE: RAPE	0	0	0	0	0	0	0	0
SEX OFFENSE: STATUTORY	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0	0	0
ARSON	0	0	0	0	0	0	0	0
ANY OTHER CRIME	0	0	0	0	0	0	0	0
SIMPLE ASSAULT	0	0	0	0	0	0	0	0
INTIMIDATION	0	0	0	0	0	0	0	0
LARCENY	0	0	0	0	0	0	0	0
DESTRUCTION OF PROPERTY	1	0	0	0	0	0	0	0
<b>Totals</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

There were no other Clergy reportable hate crimes on non-campus or public property in 2015-2016.

There were no Clergy reportable Hate Crimes for the year 2014.

## FIRE SAFETY REPORT – 2017

This report is issued pursuant to Public Law 110-315, the Higher Education Opportunity Act dated August 14, 2008. This act requires annual disclosure of policies and statistics related to fire safety on campus. Saint Michael's College places a high priority on fire safety; all residential facilities on campus meet or exceed established fire safety code requirements. Residence facilities include traditional halls, suite buildings, apartments and townhouses. The following represents the fire safety systems in the residential facilities:

Facility	Alarm System	Room Detectors	Sprinklers	Extinguishers
Residence Halls *	Yes	Yes	Yes	Hallways
Suites**	Yes	Yes	Yes	Hallways and kitchens
Hodson Apartments	Yes	Yes	Yes	Hallways and kitchens
Ethan Allen Apartments	Yes	Yes	No	Hallways and kitchens
Townhouses	Yes***	Yes	No	Kitchens
Senior Hall	Yes	Yes	No	Hallways and kitchens
Residence Hall IV Apartments	Yes	Yes	Yes	Hallways and kitchens

- \*Residence halls include Ryan, Alumni, Lyons, Joyce, Hamel, Purtill and Linnehan Halls
- \*\* Suites include Cashman, Pontigny, Canterbury Halls, Residence Hall IV and the Quad Commons
- \*\*\*Townhouse 200s had alarm system installed in Summer 2015

All buildings with alarms report directly into the campus's 24 hour dispatch center, and all alarms automatically initiate a fire department response. Common area smoke and heat detectors are connected to the alarm systems, individual bedroom detectors alarm locally. Fire extinguishers are maintained by the Department of Public Safety staff and common area extinguishers are checked monthly.

The Student Code of Conduct and College Policies address the fire policy. There are several safety education and training programs including: presentations for the first year and international students, fire extinguisher training for all Residential Assistants and Residential Directors and the Campus safety field day where the Vermont Fire Safety smoke house trailer and fire extinguisher training trailer on are

campus for all students to use. Candles, incense, smoking, halogen lamps and heating devices are prohibited in residence halls. The only permitted cooking devices are microwaves and coffee makers. There are provisions for penalties for violations of fire safety regulations and for tampering with equipment or causing false alarms. Fire safety is incorporated into residence hall orientation. Fire drills are scheduled annually. All occupants are required to immediately evacuate residence halls when the fire alarms sounds.

Fires may be reported to the individuals with the following titles or positions: All Public Safety officers, dispatchers and staff members via phone, LiveSafe (app) or in person. Residential Assistants, Residential Directors, Associate and Assistant Deans in Student Affairs, or by activating an installed fire alarm system.

The following are the fire alarm statistics for 2014-2016 and fire listing for 2016:

<u>Fire Alarms</u>	<u>2016</u>	<u>2015</u>	<u>2014</u>
Total Alarms	406	325	134
<u>Location of Fire Alarm</u>			
Campus Housing	378	233	103
Other Facilities / Grounds	28	31	31
<u>Cause/Reason</u>			
Accidental (cooking, cleaning, etc)	373	227	88
Malicious (pull station, extinguisher discharge)	2	1	1
Undetermined Cause	11	22	26
Unfounded/System Malfunction	9	14	16

---

#### Fires – 2016

<u>Date/Time</u>	<u>Location</u>	<u>Nature</u>	<u>Injury/Damage</u>
Jan 27, 2016 15:31:37	Alliot Hall	Cigarette Butt Box	N/A
Feb 09, 2016 07:49:24	Nicolle Hall	Air Handling Motor	None/\$60
Feb 15, 2016 15:08:41	Ryan Hall	Smoke Detector Activation	N/A
Feb 26, 2016 13:13:00	Purtill Hall	Pizza Box in Stove Oven	None/\$200
Mar 22, 2016 09:44:00	Cashman Hall	Food Cooking	N/A
May 05, 2016 12:42:06	Dumpster/Cashman	Burning Papers	None
May 13, 2016 22:32:00	200's Mound	Burning Furniture	N/A
May 15, 2016 15:11:31	300's Field	Furniture	N/A

Aug 19, 2016 17:50:00	Pomerleau	Car Fire	Total Loss*
Nov 15, 2016 23:23:49	Alumni Hall	Burning Candle	None
Dec 16, 2016 07:29:03	Townhouse 312	Clothing on Heater	None

\*This vehicle was not college owned or affiliated. No information on owner. NO college property damaged.

## Appendix A: Pertinent Vermont Law Definitions

Consent is defined to mean “words or actions by a person indicating a voluntary agreement to engage in a sexual act.” 13 V.S.A. § 3251(3).

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 consent of the other person; 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. 13 V.S.A. § 3252.

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. 13 V.S.A. § 3251(1)

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. 13 V.S.A. § 1042. “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.  
15 V.S.A. § 1101(2)

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. 13 V.S.A. § 1042. “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. 15 V.S.A. § 1101(2).

**Stalking:** “Stalk” means to purposefully engage in a course of conduct directed at a specific person that the person engaging in the conduct knows or should know would cause a reasonable person to fear for his or her safety or the safety of another or would cause a reasonable person substantial emotional distress.

“Course of conduct” means two or more acts over a period of time, however short, in which a person follows, monitors, surveils, threatens, or makes threats about another person, or interferes with another person's property. This definition shall apply to acts conducted by the person directly or indirectly, and by any action, method, device, or means. Constitutionally protected activity is not included within the meaning of “course of conduct.” As used here “threaten” shall not be construed to require an express or overt threat.

“Emotional distress” means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.

“Reasonable person” means a reasonable person in the victim's circumstances.

13 V.S.A. § 1061.