SAINT MICHAEL'S COLLEGE DEPARTMENT OF PUBLIC SAFETY

2025 ANNUAL SECURITY REPORT

October 1, 2026

SAINT MICHAEL'S COLLEGE

FOUNDED 1904



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This report was created by the Director of Public Safety using statistics from the Department of Public Safety's internal record-keeping database and in collaboration with data from the Title IX Office, Student Activities, Residential Life, Athletics and others. 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 (*see* 20 U.S.C. § 1092, 34 C.F.R. Part 668.46). The Clery 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 up to nine full-time employees: Director, up to six uniformed non-sworn officers, four dispatchers, an Investigator/Liaison Officer and an Operations Manager. Additionally, there are several per diem officers who supplement schedule coverage. Each officer receives extensive orientation and on the job training. Several employees have previous law enforcement experience however; they do not have the authority in their capacity as college employees to make arrests. Full-time and per-dem officers only 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 updates, crime prevention, active-shooter response, 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 within the jurisdiction of the Colchester Police Department (CPD). The College also works with the Winooski Police Department (WPD), whose city the college borders, and other police agencies like the Vermont State Police (VSP) in conjunction with CPD or in matters that involve SMC students or property; we maintain strong relationships with all area police agencies. While there are no formal written agreements in place with these police partners, SMC Public Safety and CPD routinely exchange information related to the security and protection of the campus and surrounding neighborhoods and CPD participates in many on-campus college safety events.

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 (802-654-2374) during business hours or by calling the college dispatcher (802-654-2000, or "0" from campus phones) at any time, day or night. In addition, the College uses the LiveSafe app, which provides 24/7 access to public safety through text and calling, with the ability to send pictures and/or video, and students can choose to submit anonymous messages. The College provides this service to students free of charge. 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 8:00-3:00 Monday through Friday. The dispatch center is staffed 24/7. The campus emergency number is (802) 654-2911.

Mission Statement:

It is the Mission of Saint Michael's College Public Safety to partner with our community to create a safe and inclusive campus and provide comprehensive services to meet the diverse needs of our

students and employees. With dignity and respect, we will foster positive relationships and fulfill the mission of our college.

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 ensuring doors in their control always remain locked. 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, Student Center and Academic buildings) are locked and unlocked according to schedules determined by departments such as Facilities, the Academic Dean, and the Athletic Department but are otherwise open to the public. 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 office as all buildings are patrolled and contain video surveillance except for the Chapel.

Issues with campus facilities and equipment, including lighting or other security concerns, 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. These issues are then evaluated by Facilities, Public Safety or both in a timely manner for appropriate action.

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. Some Public Safety Alert bulletins are “timely warnings” as required by the Clery Act and as described below, while others are issued at the discretion of Public Safety. These bulletins are transmitted via campus e-mail and/or text message alerts and are intended to inform the community in a timely manner so people may be aware of it 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 to one of the designated Campus Security Authorities listed below. Employees in the following roles are Campus Security Authorities:

- All Department of Public Safety employees listed above
- Resident Directors
- Student Affairs Deans
- Title IX Officer and deputies
- the Director of Athletics and all athletics coaches (including part-time employees and graduate assistants)
- faculty advisors to student groups
- student resident advisors or assistants

- the directors of the Bergeron Wellness Center
- the Vice President of Student Affairs/Dean of Students.

Students and employees should report crimes to Campus Security Authorities so that the College can act as needed and issue timely warning reports as appropriate, and for accurate documentation and record keeping.

The College 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. This app is free and answered 24/7 by our dispatch center. Public Safety driving and walking escorts are available upon request if a student has a safety concern and an officer is available. Additionally, those who wish to submit anonymous information online can do so via the LiveSafe app. Individuals may use the LiveSafe app as well as the department's Silent Witness webpage (see link below in Resources) for voluntary, confidential reporting of crimes for inclusion in the College's crime statistics, as appropriate.

The Department offers training on crime prevention and safety at various times throughout the year. Some of these include Civilian Response to Active Shooter Events (CRASE) or programs including alcohol and drug awareness. 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. Formal programming includes attending residence hall and floor meetings or scheduled residential activities on a monthly and sometimes weekly basis. Informal opportunities include follows-ups regarding incidents and conversations regarding campus and external events.

Crime prevention in general depends upon 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. 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). Effective in July of 2026, requests for Fire and/or Rescue emergencies on campus are dispatched by the Colchester Police Department who can be contacted via the State of Vermont E-911 reporting system or through their department telephone number (802) 264-5555. 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.

Through the reporting policies outlined in this Annual Security Report, 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. If a reporter chooses to remain anonymous, all they need to do is state that and their request will be honored.

In accordance with Department of Public Safety practice, routine or incidental activities 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 required in the Clery Act, and the log is provided to the campus community upon request.

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 documents all report of crimes and campus emergencies in a single reporting system regardless of the channel through which they are received (e.g., by phone, in person, via LiveSafe, etc.) for inclusion in our statistical disclosures including the Annual Security Report. All people 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 non-campus locations of organizations officially recognized by the College, including student organizations with non-campus housing facilities, so monitoring by local police agencies does not, to the College's knowledge, occur. In addition to the information provided below, 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.

Saint Michael's College Code of Conduct
(The Code of Conduct is updated each summer. This is the 2026-2027 version)

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 threats, leaks and spills, disturbances, hostile intruders 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-modal 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 a college official (or officials) has/have 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 Director of Public Safety or their designee 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 Director of Public Safety or their designee will assess information regarding an emergency or dangerous circumstance from sources appropriate for the situation (e.g., 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 Director of Public Safety or their designee will disseminate information about an on-campus emergency to the larger community by contacting local first responder authorities and/or the media via the Marketing and Communications Department.

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 who voluntarily enrolled in LiveSafe.

Depending on the time of day, the 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 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 evacuation of 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 ensure the safety of travel routes. Communication of travel plans to students and employees as well as information about 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 fire alarm systems in all residential areas with unannounced drills each semester. The College also conducts emergency exercises annually with the emergency management team and additional resources as appropriate for the scenario.

Timely Warnings

The College will issue timely warnings when there is a serious or on-going threat to the campus community. Such warnings 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 consider the following factors: (1) the nature of the crime and (2) the continuing danger to the campus community. The possible risk of compromising law enforcement efforts and any other relevant circumstances will also be considered but will not determine whether a timely warning is sent.

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

The College will also issue Public Safety Alert safety notification bulletins in circumstances where a timely warning as defined by the Clery Act is 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, 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, must be notified by contacting the switchboard at (802) 654-2000 when a student is unaccounted for so that efforts to promote that student's safety can be initiated and coordinated. Anyone receiving a missing student report must immediately bring it to the attention of the Department of Public Safety.

On-campus measures to locate a missing person may 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. Local law enforcement will be notified within 24 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. Students are asked to provide a missing person contact each year as part of the course registration process for spring semester. This information is confidential, but available to

duty staff or police personnel in case of emergency. If a student is under 18 years of age and not emancipated, a custodial parent or guardian will be notified within 24 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, booting 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 intake of lost and found property, lock out assistance and bicycle registration. Details on these services are available by contacting the office.

Resources

Code of Conduct
(The Code of Conduct is updated each summer. This is the 2026-2027 version)

LiveSafe Mobile App

RAVE Mobile Safety

SMC Public Safety Silent Witness Webpage

State of Vermont Online Sex Offender Registry

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 but controlled by the college) 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/Arson
- Hazing

These statistics are compiled by the Department of Public Safety through our own reporting system as well as by Campus Security Authorities. 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 Assistant Director for inclusion in this report. The College also requests crime statistics annually from the Colchester Police Department, Winooski Police Department and the Vermont State Police 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.

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

Criminal Offenses 2025	**Student Housing**	**Other**	**On Campus (Total)**	**Non-Campus**	**Public Property**
CRIMINAL HOMICIDE					
Murder/Nonnegligent Manslaughter	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0
SEX OFFENSES					
Sex Offense: Fondling	0	1	1	0	0
Sex Offense: Incest	0	0	0	0	0
Sex Offense: Rape	0	0	0	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	2	0	2	0	0
Motor Vehicle Theft	0	0	0	0	0
Arson	0	1	1	0	0

Criminal Offenses 2024	Student Housing	Other	On Campus (Total)	Non-Campus	Public Property
CRIMINAL HOMICIDE					
Murder/Nonnegligent Manslaughter	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0
SEX OFFENSES					
Sex Offense: Fondling	0	1	1	0	0
Sex Offense: Incest	0	0	0	0	0
Sex Offense: Rape	2	0	2	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	2	3	5	0	0
Motor Vehicle Theft	0	0	0	0	0
Arson	1	3	4	0	1

Criminal Offenses 2023	Student Housing	Other	On Campus (Total)	Non-Campus	Public Property
CRIMINAL HOMICIDE					
Murder/Nonnegligent Manslaughter	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0
SEX OFFENSES					
Sex Offense: Fondling	2	0	2	0	0
Sex Offense: Incest	0	0	0	0	0
Sex Offense: Rape	2	0	2	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	0	0	0	0	0
Motor Vehicle Theft	6	0	6	0	0
Arson	0	0	0	0	0

Disciplinary Actions:

2025:

Category	On Campus	Student Housing	Non-Campus	Public Property
Weapons Violations	0	0	0	0
Drug Abuse Violations	13	13	0	0
Liquor Law Violations	42	37	0	0

2024:

Category	On Campus	Student Housing	Non-Campus	Public Property
Weapons Violations	0	0	0	0
Drug Abuse Violations	29	27	0	0
Liquor Law Violations	48	38	0	0

2023:

Category	On Campus	Student Housing	Non-Campus	Public Property
Weapons Violations	0	0	0	0
Drug Abuse Violations	18	18	0	0
Liquor Law Violations	43	31	0	0

Hate Crimes:

Hate Crime Category 2025	On Campus	Student Housing	Non-Campus	Public Property
Murder/Nonnegligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
Rape	0	0	0	0
Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0

Hate Crime Category 2025	On Campus	Student Housing	Non-Campus	Public Property
Larceny-Theft	0	0	0	0
Simple Assault	0	0	0	0
Intimidation	0	0	0	0
Destruction/Damage/Vandalism of Property	1	1	0	0

Hate Crime Category 2024	On Campus	Student Housing	Non-Campus	Public Property
Murder/Nonnegligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
Rape	0	0	0	0
Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0
Larceny-Theft	0	0	0	0
Simple Assault	0	0	0	0

Hate Crime Category 2024	On Campus	Student Housing	Non-Campus	Public Property
Intimidation	8	6	0	0
Destruction/Damage/Vandalism of Property	3	1	0	0

Hate Crime Category 2023	On Campus	Student Housing	Non-Campus	Public Property
Murder/Nonnegligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
Rape	0	0	0	0
Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0
Larceny-Theft	0	0	0	0
Simple Assault	0	0	0	0
Intimidation	0	0	0	0
Destruction/Damage/Vandalism of Property	3	2	0	0

NOTE:

Saint Michael's College recognizes that acts of bias or hatred that do not meet the federal definition of a hate crime still affect the community. Due to the College's commitment to transparency and social justice we have elected to voluntarily disclose statistics regarding bias incidents that do not meet the Clery requirement threshold. Beginning on page 20 is a brief explanation of the bias reporting system and the statistics gathered from that system.

Violence Against Women Act (VAWA):

VAWA Offense 2025	On Campus	Student Housing	Non-Campus	Public Property
Domestic Violence	0	0	0	0
Dating Violence	1	1	0	0
Stalking	0	0	0	0

VAWA Offense 2024	On Campus	Student Housing	Non-Campus	Public Property
Domestic Violence	1	1	0	0
Dating Violence	0	0	0	0
Stalking	1	1	0	0

VAWA Offense 2023	On Campus	Student Housing	Non-Campus	Public Property
Domestic Violence	2	2	0	0
Dating Violence	4	3	0	0
Stalking	1	1	0	0

Bias Response Team Policy

The Bias Response Team (BRT) is an interdisciplinary group of administrators, staff, and faculty who meet to address the impact of comments, behaviors, actions, or practices that are perceived as bias. The BRT is one of several initiatives that support and further the goal of promoting a campus climate in which all members thrive personally, professionally, and academically. The BRT is not an investigatory group and does not initiate disciplinary action or impose sanctions regarding bias incidents. The BRT does not replace existing protocols and processes (outlined within our Harassment

& Discrimination, and Sexual Harassment/Misconduct, Domestic Violence, Dating Violence and Stalking policies) used to resolve alleged violations of campus policy. Rather, the purpose of the BRT is explicitly supportive and educational—to support impacted individuals and groups, provide education, and facilitate dialogue with the aim of repairing harm and preventing future incidents.

Key Definitions

Key definitions of Bias Response Protocol terms are as follows:

- **Bias:** A bias is a tendency, inclination, or prejudice toward or against something or someone. Some biases are positive and helpful, like choosing to only eat foods that are considered healthy or staying away from someone who has knowingly caused harm. Biases are often based on stereotypes, rather than actual knowledge of an individual or circumstance. Whether positive or negative, such cognitive shortcuts can result in prejudgments that lead to rash decisions or discriminatory practices.
- **Bias Incident**: A bias incident is an act directed against a person, group, or property, expressing hostility or bias on the basis of perceived or actual race, color, national origin, ethnicity, sex, sexual orientation, gender identity, religion, disability, age, veteran status, or any other characteristic protected by applicable law or College policy. Bias incidents may consist of verbal, written, graphic, and/or physical conduct such as epithets, jokes, graffiti, negative stereotyping, and threatened or actual physical assault. A bias incident may rise to the level of a hate crime as defined by state and federal law.

How the Bias Response Team Works

Anyone who experiences or witnesses what they perceive to be a bias incident may report via the online Discrimination, Harassment, and Sexual Misconduct Reporting Form or by contacting the Title IX & Civil Rights Coordinator, who may, when deemed appropriate, convene the Bias Response Team. Once the report is submitted, the Title IX & Civil Rights Coordinator will follow the process outlined above under our Harassment & Discrimination Policy. In the event that a staff or faculty member is involved in a perceived bias incident, the Director of Human Resources (for staff-related issues) and/or the Dean of Faculty (for faculty related issues) will be involved as soon as possible. The Title IX & Civil Rights Coordinator will review all reports, will meet with the reporting party to understand the type of response sought, and will determine if the issue needs to be responded to under our Harassment & Discrimination Policy. If the report does not need to be responded to under our Harassment & Discrimination Policy, and if the reporting party agrees, the report will be forwarded to the Bias Response Team for supportive and educational next steps.

The Bias Response Team, as a supportive and educational group, may respond to bias incidents through the following channels:

- **Educational conversation with the party responsible:** A member of the BRT will arrange for an informational conversation with the person who reportedly caused harm to discuss the impact of their behavior on others.
- **Restorative process:** Restorative processes focus on repairing reported harm and are voluntary. All parties must agree to participate. They are generally designed to allow the person who reportedly caused harm to acknowledge harm and take responsibility for repairing harm (to the extent possible) experienced by the person who experienced harm and/or the College community. Restorative processes often bring together the person(s) who experienced harm with the person(s) who caused harm in a restorative circle or conference.

- **Statement to the campus community:** If the impact of the bias incident is not localized and expands to the broader campus community the BRT may opt to send a message to the campus community to name the incident and its impact and to encourage impacted individuals to seek support.

Bias Response Team Contact

The contact information for the Saint Michael's College Title IX & Civil Rights Coordinator, who also convenes the Bias Response Team is:

Dr. Catherine Welch	**Dean of Student Development/Title IX & Civil Rights Coordinator**
Saint Michael's College	(802) 654-2271
One Winooski Park	cwelch2@smcvt.edu
Colchester, Vermont 05439	

Prohibition on Retaliation

The College strictly prohibits retaliation (directly by the person responding to the complaint, indirectly by the person's associates, or by others) against individuals because they have made complaints or raised concerns about issues covered by this Bias Response Team Policy, and/or who serve as witnesses or otherwise cooperate with the work of the Bias Response Team, regardless of the outcome of the matter. Any complainant or witness who believes they have been subjected to retaliatory behavior should report the conduct to the Office of Student Life or the Office of Public Safety. People found to have engaged in retaliatory conduct are subject to disciplinary action including, but not limited to, dismissal or termination.

Notice

This policy does not alter, amend, or modify Saint Michael's Student Life Policies, the College Handbook (including but not limited to Saint Michael's Harassment/Discrimination Policy and Policy Against Sexual Harassment/Misconduct, Domestic Violence, Dating Violence and Stalking), and/or other applicable Saint Michael's policies. At the College's discretion and/or as required, an investigation and process may be conducted under any of those policies in addition to, or instead of, any inquiry or intervention under this BRT Policy. If any conflict or apparent conflict exists, Saint Michael's Student Life Policy, College Handbook, and/or other applicable Saint Michael's policy will control.

Confidentiality

All reports will be handled in a sensitive manner. Information will be shared with others only to the extent necessary to assess and manage the situation in compliance with Saint Michael's College policies, or state and federal law.

In general, the law recognizes and protects the confidentiality of communications between a person seeking care and a medical or mental health professional and religious clergy. The medical, mental health and religious clergy at Saint Michael's College and their off-campus counterparts, respect and protect confidential communications from students, faculty, and staff to the extent they are legally able to do so. These professionals may have to disclose information when they perceive a serious risk of danger or threat to any person or property. In addition, medical and mental health professionals

may be required by law to report certain crimes (e.g., any allegation of sexual and/or physical abuse of a person under 18). These exceptions to maintaining confidentiality are governed by the law of the state in which the confidential resource is located.

An individual who exclusively reports allegations to a confidential resource must understand that the BRT will not be able to address the allegations.

The Bias Response Team will handle information with sensitivity and discretion. The BRT may need to disclose allegations and/or other information (including the identity of parties and/or witnesses) to the extent necessary to allow Saint Michael's College to proceed with an investigation and/or adjudication under applicable policies.

The following statistics are from all reports made to the Bias Response Team. These statistics also include Hate Crimes reported above.

Bias Incidents Reported January 1, 2025- December 31, 2025	
Number Reported	Type of Bias reported
3	Race
3	Sexual Orientation
2	Disability
1	Gender Identity
2	Other

Bias Incidents Reported January 1, 2024 - December 31, 2024	
Number Reported	Type of Bias reported
6	Race
2	Sexual Orientation
1	Disability
0	Gender Identity
2	Other

Bias Incidents Reported January 1, 2023 - December 31, 2023	
Number Reported	Type of Bias reported
5	Race
0	Sexual Orientation
2	Disability
0	Gender Identity
3	Other

Fire safety report – 2025

This report is issued pursuant to Public Law 110-315, the Higher Education Opp. 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 residence halls, suite buildings, apartments and townhouses. The following represents the fire safety systems in the residential facilities.

Building(s)	Alarm System	Room Detectors	Sprinklers	Extinguishers
Residence Halls	Y	Y	Y	Hallways
Suites	Y	Y	Y	Hallways/Kitchens
Townhouses	Y	Y	N	Kitchens

- Residence Halls include Ryan, Alumni, Joyce and Lyons Halls
- Suites Include Cashman, Pontigny, Canterbury, Cronogue, Aubin and Hodson Halls

All buildings alarms report directly to the campus 24-hour dispatch center, and all general alarms automatically initiate a fire department response. Common area and smoke/heat detectors are connected to the alarm systems; individual bedroom detectors alarm locally. Townhouse apartment systems report local alarm activations which initiate a Public Safety response, and if not cleared within 6 minutes cause a general fire alarm. The most common cause is cooking.

Fire extinguishers are maintained by the Department of Public Safety and all common area extinguishers are checked monthly.

The student code of conduct and college policies cover fire policy. Candles, incense, smoking, halogen lamps and heating devices are prohibited in residence halls, townhouses, graduate housing and any other residential housing on campus. The only cooking devices allowed are microwaves and coffee makers. Fire safety is incorporated into all residential orientations and there are fines for policy violations. Fire drills are scheduled each semester, and all occupants are required to evacuate immediately during their building's fire alarms.

All fire alarm activations are routed through the college's Switchboard and Public Safety is dispatched to each alarm. Additionally, Saint Michael's Fire & Rescue Department is also dispatched to all on-campus fires and fire alarms.

Fire and Alarm Statistics for 2025

Date:	Location:	Nature:	Injury/Damage:
4/26/25	Lyons Hall	Overloaded dryer caught fire	No/$10,000-24,999
5/11/25	TH 300s field	Furniture set on fire	No/$100-999
9/18/25	Dion Hall	Electrical lights coil in storage room	No/$100-999

Buildings listed above are just buildings that experienced a fire this year. If a building is not listed, no fire was reported in the building for the year.

APPENDIX A

ALCOHOL AND OTHER DRUG POLICY

Philosophy

The 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 seeks:

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 with 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 considerations in mind:

- Vermont State Law dictates that in order to legally possess or consume alcohol and individual
- must be at least 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 alcohol 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.

- Considering these considerations 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 regarding 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 only 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, are prohibited from campus, and 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 intercollegiate, club or intramural athletic contests.

At events sponsored by the College, College organizations, or employees where underage students are in attendance no alcoholic beverages will be served except for 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 and are in violation of Vermont state law. A student who contributes in any way, 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 from 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 cleaning up.

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 cleaning up 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 (Vermont state law 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. 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.

Marijuana is classified as a Schedule I drug according to the Controlled Substances Act. Thus, the use, possession, cultivation, or sale of marijuana violates federal law. Federal grants are subject to college compliance with the Drug Free Communities and Schools Act, and the Drug Free Workplace Act. Campuses found in noncompliance of these laws risk loss of federal funding for financial aid. Any violation of the federal law governing Marijuana is a violation of campus policy and will be dealt with accordingly.

More information on the college's drug and alcohol abuse programs, required under the Drug-Free Schools and Communities Act (DFSCA), can be found in the bi-annual report published to the community and on the Public Safety website.

Medical Marijuana Policy

Saint Michael's College students and employees should understand that possessing, using or selling marijuana in any form is prohibited on campus and during college activities. Although students, staff, and faculty who legally obtain a medical marijuana "registration card" from the Vermont Dispensary are allowed to possess and consume certain quantities of marijuana, doing so is not permitted on the Saint Michael's College campus or at SMC sponsored events.

Marijuana is classified as a Schedule I drug according to the Controlled Substances Act. Thus, the use, possession, cultivation, or sale of marijuana violates federal law. Federal grants are subject to college compliance with the Drug Free Communities and Schools Act, and the Drug Free Workplace Act. Campuses found in noncompliance of these laws risk loss of federal funding for financial aid.

If a student is registered as a medical marijuana user and intends to possess and use marijuana he/she must confine that use to off campus locations. If that student is subject to the required residency policy, he/she may present his/her VERMONT medical marijuana registration to the

Office of Student Life and request a waiver of the residency requirement so that he/she may reside off campus. The card must be a Vermont medical marijuana registration card. No other state cards are recognized.

APPENDIX B

Pertinent Vermont Law Definitions

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

13 V.S.A. § 3251
§ 3251. Definitions
Effective: July 1, 2021
As used in Vermont's definition of sexual assault:

- A "sexual act" means conduct between persons consisting of contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the vulva, or any intrusion, however slight, by any part of a person's body or any object into the genital or anal opening of another.
- "Sexual conduct" means any conduct or behavior relating to sexual activities of the complaining witness, including but not limited to prior experience of sexual acts, use of contraceptives, living arrangement, and mode of living.
- Consent" means the affirmative, unambiguous, and voluntary agreement to engage in a sexual act, which can be revoked at any time.
- "Serious bodily injury" shall have the same meaning as in subdivision 1021(2) of this title.
- "Bodily injury" means physical pain, illness, or any impairment of physical condition.
- "Actor" means a person charged with sexual assault or aggravated sexual assault.
- "Deadly force" means physical force which a person uses with the intent of causing, or which the person knows or should have known would create a substantial risk of causing, death or serious bodily injury.

(1) "Deadly weapon" means:

(A) any firearm; or

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

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

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

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

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

(C) lacks the mental ability to make or communicate a decision about whether to

engage in the conduct at issue.

13 V.S.A. § 3252
§ 3252. Sexual assault

Effective: July 1, 2021

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

(1) without the consent of the other person;

(2) by threatening or coercing the other person;

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

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

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

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

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

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

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

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

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

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

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

13 V.S.A. § 3254
§ 3254. Trial procedure; consent

Effective: July 1, 2021

In a prosecution for a crime defined in this chapter or section 2601 of this title:

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

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

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

(4) A sleeping or unconscious person cannot consent.

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

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

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

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

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

13 V.S.A. § 1041 and 15 V.S.A. Chapter 21 Definitions

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

15 V.S.A. § 1101. "Household members" means people who, for any period of time, are living or have lived together, are sharing or have shared occupancy of a dwelling, are engaged in or have engaged in a sexual relationship, or minors or adults who are dating or who have dated. "Dating" means a social relationship of a romantic nature. Factors that the court may consider when determining whether a dating relationship exists or existed include:

(A) the nature of the relationship;

(B) the length of time the relationship has existed;

(C) the frequency of interaction between the parties; and

(D) the length of time since the relationship was terminated, if applicable.

13 V.S.A. § 1042 Domestic Assault

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

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

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

(1) attempts to cause or willfully or recklessly causes serious bodily injury to a family or household member; or

(2) uses, attempts to use, or is armed with a deadly weapon and threatens to use the deadly weapon on a family or household member; or

(3) commits the crime of domestic assault and has been previously convicted of aggravated domestic assault.

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

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

(1) Commits the crime of domestic assault and such conduct violates:

(A) specific conditions of a criminal court order in effect at the time of the offense imposed to protect that other person;

(B) a final abuse prevention order issued under 15 V.S.A. § 1103 or a similar order issued in another jurisdiction;

(C) a final order against stalking or sexual assault issued under 12 V.S.A. § 5133 or a similar order issued in another jurisdiction; or

(D) a final order against abuse of a vulnerable adult issued under 33 V.S.A. § 6935 or a similar order issued in another jurisdiction.

(2) Commits the crime of domestic assault; and

(A) has a prior conviction within the last 10 years for violating an abuse prevention order issued under section 1030 of this title; or

(B) has a prior conviction for domestic assault under section 1042 of this title or a prior conviction in another jurisdiction for an offense that, if committed within the State, would constitute a violation of section 1042 of this title.

(3) As used in this subsection:

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

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

Stalking: Stalking is defined as follows in Vermont Statutes:

12 V.S.A. § 5131. Definitions

As used in Vermont's relief from stalking statute:

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

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

(2) [Repealed.]

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

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

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

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

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

(B) suffer substantial emotional distress as evidenced by:

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

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

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

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

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

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

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

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

Appendix C

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

See next page for policy.

Title IX Education & Prevention Initiatives

United Educators Online Training—required training module for all employees through Spring 2025 semester regarding their role as Responsible Employees.

Sexual Violence Resource Poster—These posters continue to be posted in every bathroom across campus outlining both on-campus and off-campus resources available to students who may have experienced sexual violence.

Title IX Website— Our Title IX/Sexual Violence website continues to be updated with policy, reporting, and resource information.

Rights & Options— This handout clearly and thoroughly outlines all different options available to both the complainant and the respondent. 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.

NCAA Training—All athletics staff and coaches were trained around Title IX processes and prevention best practices by the Title IX Coordinator All student athletes attended small educational sessions that facilitated conversations around consent, healthy relationships, and sexual violence prevention.

Bystander Intervention Training—Offered through our Be Well wellness coordinator, bystander intervention training is included in prevention and education sessions for all students.

Safety Team Self-Defense Training –Current faculty and staff are trained to offer small, hands-on self-defense training through local non-profit called "The Safety Team."

Clothesline Project—Sponsored by the Feminist Club, the Clothesline project is a visual display that bring a voice to survivors of sexual assault. The CWG partnered with community organizations to make this display available on campus.

Denim Day—An internationally recognized public awareness campaign held in April when our campus community was asked to wear jeans (or any form of denim) to raise awareness for rape and sexual assault. Why denim you might ask? "The campaign was initially started after a ruling by the Italian Supreme Court where a rape conviction was overturned because the justices felt that since the victim was wearing tight jeans, she must have helped her rapist remove her jeans, thereby implying consent. The following day, women in the Italian Parliament came to work wearing jeans in solidarity with the victim. For the last 20 years, wearing jeans on Denim Day has become a symbol of awareness and protest against false and destructive attitudes about sexual assault."

SEXUAL HARASSMENT/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 behavior that falls within the scope of the College's Title IX Sexual Harassment and Non-Title Misconduct definitions below. In addition to violating College policy, sexual harassment may also be unlawful. Inquiries concerning the application of Title IX may be referred to the College's Title IX & Civil Rights Coordinator (see below) or to the United States Department of Education Office for Civil Rights.

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 harassment/misconduct, domestic violence, dating violence and stalking are recognized as wholly intolerable, and where individuals subjected to such misconduct are provided with avenues of support and redress as appropriate. In accordance with this commitment, the College has developed the following policy. 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, Be Well and Athletics.

Scope of Policy

This Policy and the procedures outlined below apply exclusively to reported conduct that falls within the scope of the Policy, and supersede any other previously-published College policies on issues related to sexual harassment, sexual misconduct, domestic violence, dating violence or stalking. Allegations of discrimination on the basis of sex, pregnancy, sexual orientation or gender identity that do not fall within the scope of Prohibited Conduct as defined in this Policy below will be addressed as appropriate through the College's Harassment & Discrimination Policy, found in the Student Code of Conduct. Further, to the extent that this Policy and its procedures provide for the handling of allegations that fall within the definition of Title IX Sexual Harassment as outlined in the Department of Education's May 2020 Title IX regulations, see 34 C.F.R. Part 106, such allegations will be handled exclusively as provided in this Policy and its procedures, rather than any policies or handbook procedures that would otherwise apply to College students, faculty or staff.

Consistent with Department of Education regulations and guidance, this Policy maintains a distinction between allegations of misconduct that would fall within the scope of the Department's May 2020 Title IX regulations (that is, certain types of Sexual Harassment alleged to have been committed by or against students and/or employees in an education program or activity of the College, in the United States, on or after the August 14, 2020 effective date of the regulations, which are referred to in this Policy as "Title IX Sexual Harassment"), and other types of misconduct that would be covered by this Policy but that would fall outside the relatively narrow definition of Title IX Sexual Harassment (which are referred to in this Policy as "Non-Title IX Misconduct"). This delineation of applicable policies and procedures will apply regardless of when the alleged incident is reported.

In Title IX Sexual Harassment cases and Non-Title IX Misconduct cases as defined below that involve allegations that a student engaged in Prohibited Conduct as defined in this Policy, the policy language and procedures for either or both categories of cases outlined below will apply, as appropriate.

In Title IX Sexual Harassment cases as defined below that involve allegations that a College employee engaged in Title IX Sexual Harassment, the policy language and procedures for Title IX Sexual Harassment cases outlined below will apply, in accordance with applicable law. Allegations that a College employee engaged in sexual assault, dating violence, domestic violence and/or stalking, and that do not fall within the definition of Title IX Sexual Harassment, will be addressed through the Non-Title IX Misconduct policy language and procedures outlined below. Allegations that a College employee engaged in discrimination or harassment that does not fall within the definition of Title IX Sexual Harassment, and that does not involve alleged sexual assault, dating violence, domestic violence and/or stalking as defined in the Non-Title IX Misconduct definitions below, will be addressed through the College's Nondiscrimination Policy and/or other employment-related policies, practices, handbooks and/or collective bargaining agreements, but will not be addressed through the policy language or procedures outlined in this Policy.

To understand how to file a complaint of sexual harassment/misconduct, domestic violence, dating violence and/or stalking at Saint Michael's College, please see the section below on Complaint Procedures.

Title IX & Civil Rights Coordinator

The designated Title IX & Civil Rights Coordinator for Saint Michael's College is Catherine Welch, Dean of Student Development. The Title IX & Civil Rights Coordinator is authorized to coordinate and 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 & Civil Rights Coordinator is:
Catherine Welch, Dean of Student Development
Saint Michael's College
One Winooski Place
Colchester, Vermont 05439
(802) 654-2271
cwelch2@smcvt.edu

The Title IX & Civil Rights Coordinator or designee is available to meet with students and employees as needed. References throughout this Policy to the Title IX & Civil Rights Coordinator should be read as also including designees of the Title IX & Civil Rights Coordinator.

Definitions

Complainant:

A complainant is a student who is currently participating in or attempting to participate in a College education program or activity, or an employee of the College, who is reported to have experienced conduct that could constitute Prohibited Conduct as defined below, regardless of whether the

student or employee makes a report or seeks disciplinary action. In some cases (such as, for example, cases in which a person involved in an alleged incident of Prohibited Conduct 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 proceeding without a designated complainant. In such cases, the College may extend the full rights of a complainant as defined in this Policy to affected parties as deemed appropriate by the College and/or as permitted or required by applicable law. For ease of reference and consistency, the term "complainant" is used hereafter in this Policy to refer to a student or employee who believes that they have been subjected to Prohibited Conduct, or who is believed by another to have been subjected to such conduct.

Consent:

For purposes of this Policy and under Vermont law, "consent" means the affirmative, unambiguous, and voluntary agreement to engage in a sexual act, which can be revoked at any time. No person subject to this Policy shall engage in a sexual act with another person:

- without the consent of the other person; or
- by threatening 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 is asleep, unconscious, or otherwise unaware that the sexual act is occurring.

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

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

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

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.** Lack of consent may be shown without proof of resistance, and submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent.

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

Prohibited Conduct[1]:

This Policy prohibits the following forms of misconduct, collectively referred to throughout the policy as "Prohibited Conduct":

Title IX Sexual Harassment (i.e., *Quid Pro Quo* Sexual Harassment, Severe, Pervasive and Objectively Offensive Sexual Harassment, Sexual Assault, and Domestic Violence, Dating Violence and sex-based Stalking within the scope of Title IX); and

Non-Title IX Misconduct (i.e., Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking outside the scope of Title IX, Sexual Exploitation as defined below, and Retaliation).

Specifically, Title IX Sexual Harassment and Non-Title IX Misconduct are defined as follows for purposes of this Policy:

Title IX Sexual Harassment

"Title IX Sexual Harassment" is a subset of Prohibited Conduct. Under Department of Education regulations (see 34 C.F.R., Part 106) issued in May 2020 ("May 2020 Title IX regulations") to implement Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., the College is required to prohibit certain forms of sexual harassment as defined in those regulations. Title IX Sexual Harassment is Prohibited Conduct in the form of Title IX *Quid Pro Quo* Sexual

[1] The definitions of dating violence, domestic violence, sexual assault, and stalking used in this Policy are consistent with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), as amended effective 2014, and Title IX and May 2020 Title IX regulations. In its primary prevention and awareness programs for incoming students and new employees, as well as in its primary prevention and awareness programs for students and employees, the College will include the definitions of dating violence, domestic violence, sexual assault, and stalking under the criminal law of Vermont. However, the College utilizes its own definitions of these prohibited behaviors, which are consistent with the Clery Act and Title IX and the May 2020 Title IX regulations as set forth below, for purposes of this Policy, and determines responsibility for violations of this Policy through its own procedures and standards of proof (i.e. by a preponderance of the evidence standard), not through the procedures or standards of proof employed in the criminal justice system.

Harassment, Title IX Severe, Persistent and Pervasive Sexual Harassment, Title IX Sexual Assault, Title IX Dating Violence, Title IX Domestic Violence, or Title IX Stalking as defined below that is committed by or against students and/or employees in an education program or activity of the College, in the United States, on or after August 14, 2020. Further, in order for the College to consider a Formal Complaint of such misconduct as falling within its Title IX Sexual Harassment policy and procedures, the complainant must be participating in or attempting to participate in a the College program or activity at the time the complaint is filed.

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

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

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

Title IX Quid Pro Quo Sexual Harassment

Quid Pro Quo Sexual Harassment for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of the College in the United States on or after August 14, 2020, by which an employee of the College conditions the provision of an aid, benefit, or service of the College on a student's or employee's participation in unwelcome sexual conduct.

Title IX Severe, Pervasive and Objectively Offensive Sexual Harassment

Severe, Pervasive and Objectively Offensive Sexual Harassment for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of the College in the United States on or after August 14, 2020, that constitutes unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a student or employee equal access to a College education program or activity. Determinations of whether a complainant has been denied equal access will be made by comparing the complainant's access to education to that of a similarly situated person who is not suffering the alleged sexual harassment.

Title IX Sexual Assault

As required by the May 2020 Title IX regulations, the College's Title IX Sexual Assault definition incorporates the definitions of the FBI's Uniform Crime Reporting (NIBRS) program, and therefore defines Title IX Sexual Assault for purposes of this Policy as conduct of the following

types committed by or against a College student or employee in an education program or activity of the College in the United States on or after August 14, 2020:

- **Rape**:[2]
  - The carnal knowledge of a person (i.e., penile-vaginal penetration), without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity (it should be noted that either females or males could be complainants under this definition);
  - Oral or anal sexual intercourse (i.e., penile penetration) with another person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
  - To use an object or instrument (e.g., an inanimate object or body part other than a penis) to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;

- **Fondling**: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity (for purposes of this definition, "private body parts" includes breasts, buttocks, or genitals, whether clothed or unclothed);

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

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

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

Any incident falling within this definition is a violation of College policy and is prohibited.

[2] Both completed rape and attempted rape are prohibited by this Policy.

Title IX Dating Violence

Title IX Dating Violence for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of the College in the United States on or after August 14, 2020 that constitutes violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

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

Any incident falling within this definition is a violation of College policy and is prohibited.

Title IX Domestic Violence

Title IX Domestic Violence for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of the College in the United States on or after August 14, 2020 that constitutes a felony or misdemeanor crime of violence committed—

(A) By a current or former spouse or intimate partner of the victim;

(B) By a person with whom the victim shares a child in common;

(C) By a person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner;

(D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or

(E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Any incident falling within this definition is a violation of College policy and is prohibited.

Title IX Stalking

Title IX Stalking for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of the College in the United States on or after August 14, 2020 that constitutes 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.

(ii) For purposes of this definition—

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

(B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

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

Examples of stalking behaviors or activities include, but are not limited to the following, if they occur in the context of stalking as defined above (i.e., the behaviors or activities would cause a reasonable person to fear for their safety or the safety of others, or to suffer substantial emotional distress): (1) non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, text messages, written letters, gifts, or any other communications that are unwelcome; (2) use of online, electronic or digital technologies, such as posting pictures or text in chat rooms or on websites, sending unwanted or unsolicited e-mail or talk requests, posting private or public messages on Internet sites, social networks, and/or school bulletin boards, installing spyware on a person's computer, or using Global Positioning Systems (GPS) or similar technology to monitor a person; (3) pursuing, following, waiting for, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the person; (4) surveillance or other types of observation, including staring and voyeurism; (5) trespassing; (6) vandalism; (7) non-consensual touching; (8) direct verbal or physical threats against a person or a person's family member, pet or personal property; (9) gathering information about a person from friends, family, or co-workers; (10) accessing private information through unauthorized means; (11) threats to harm self or others; (12) defamation and/or lying to others about the person; and (13) using a third party or parties to accomplish any of the above.

Behaviors or activities that fall within this definition are violations of College policy and are prohibited.

Non-Title IX Misconduct

Non-Title IX Misconduct is Prohibited Conduct that falls within the scope of this Policy and the definitions below but that does not fall within the definition of Title IX Sexual Harassment, either due to the nature of the conduct or because it did not reportedly occur within an education program or activity of the College in the United States on or after August 14, 2020. Behavior that falls within the definition of Non-Title IX Misconduct violates College policy and is prohibited. Such conduct is defined for purposes of this Policy as:

Non-Title IX Sexual Harassment

Non-Title IX Sexual Harassment is a form of sex discrimination that includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that 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, on the basis of sex. The College will determine whether conduct falls within this definition by using both an objective standard (that is, would a reasonable person experience the conduct as intimidating, hostile or offensive as defined here) and a subjective standard (that is, did the person actually perceive the conduct as intimidating, hostile or offensive as defined here).

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

- 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 a form of Title IX Sexual Assault or Non-Title IX Sexual Assault as defined above and below) 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 that they are 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;

- communicating derogatory or provoking remarks about or relating to a person's sex, gender identity or sexual orientation;

- directing harassing acts or behavior against a person on the basis of their sex, gender identity or sexual orientation; or

- off-campus conduct which falls within the above definition and affects a person's on-campus educational, shared living, or work environment.

Sexual Harassment that meets the definition of Title IX Sexual Harassment outlined above will be addressed under the procedures for Title IX Sexual Harassment provided in this Policy.

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 objective "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, they are encouraged to express that judgment in the exercise of their own free speech or to seek redress under this Policy or other College policies as appropriate.

Non-Title IX Sexual Assault

Sexual Assault (i.e., rape, fondling, incest or statutory rape) as defined in the Title IX Sexual Assault definition above that did not reportedly occur in a program or activity of the College in the United States, and attempts to commit such misconduct.

Non-Title IX Domestic Violence

Domestic violence as defined in the Title IX Domestic Violence definition above that did not reportedly occur in a program or activity of the College in the United States on or after August 14, 2020.

Non-Title IX Dating Violence

Dating violence as defined in the Title IX Dating Violence definition above that did not reportedly occur in a program or activity of the College in the United States on or after August 14, 2020.

Non-Title IX Stalking

Stalking as defined in the Title IX Stalking definition above that did not reportedly occur in a program or activity of the College in the United States on or after August 14, 2020, or that otherwise fits within the definition of stalking but does not fall within the Title IX Stalking definition because the reported conduct is not directed at the complainant on the basis of sex.

Non-Title IX Sexual Exploitation

Non-Title IX Sexual Exploitation occurs when a person takes sexual advantage of another person for the benefit of anyone other than that other person without that other person's consent, and attempted sexual exploitation. Examples of sexually exploitative behavior include, but are not limited to: (1) video recording or photographing of sexual acts or nudity of another member of the College community without the consent of a person involved; (2) transmitting such video recordings or photographs without the consent of the person involved; (3) viewing or allowing or aiding others to view another person's sexual activity, intimate body parts, or nudity without the

person's consent; and (4) sexual exhibitionism or exposure of one's genitalia in the presence of others without their consent.

Respondent:

A respondent is a student, employee or covered third party (to the extent the College elects to address reports regarding a covered third party through this Policy, rather than otherwise at the College's discretion) who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct as defined in this Policy. A covered third party is a person who is not a student or employee of the College, but who is someone over whom the College has some measure of control that would allow the College to take some form of action against them if it is determined that they engaged in Prohibited Conduct (e.g., a vendor or volunteer). Again, such individuals will be provided rights under this Policy on to the extent the College elects to do so.

Retaliation:

Retaliation means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations or this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing regarding Prohibited Conduct (including both Title IX Sexual Harassment and Non-Title IX Misconduct). Retaliation is strictly prohibited. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations, constitute retaliation, as do any adverse action taken against a person because they have made a good faith report of Prohibited Conduct or participated in any proceeding under this Policy. Retaliation may include intimidation, threats, coercion, harassment, or adverse employment or educational actions that would discourage a reasonable person from engaging in activity protected under this Policy. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance process under this Policy does not constitute prohibited retaliation, provided, however, that a determination regarding responsibility is not alone sufficient to establish that any party made a materially false statement in bad faith.

The College will not engage in, and will investigate and address, reports of retaliatory conduct. Retaliation under this Policy may be found whether or not the underlying complaint is ultimately found to have merit.

Any person who believes that they have been subjected to such retaliation should follow the complaint resolution procedures outlined in this Policy. Complaints of retaliation will be addressed through the procedures for Non-Title IX Misconduct outlined below.

Coordination with Other Policies

Where alleged conduct by a student 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 or Harassment and Discrimination Policy 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 policy violations through an investigation under the procedures set forth in this Policy, rather than the Student Code of Conduct or Harassment and Discrimination Policy procedures.

Where alleged conduct by an employee or covered third party respondent that is reported in connection with a reported violation of this Policy also potentially involves violations of Saint Michael's College's expectations for employee or covered third party behavior, the College may address such reported violations of other behavioral expectations within or outside the procedures provided below, as determined at the College's discretion.

Separate Handling of Other Policy Violations by Reporting Students

The College's primary goals when responding to complaints of Prohibited Conduct such as sexual harassment/misconduct, domestic violence, dating violence or stalking matters involving students is to promote student safety, and to address Prohibited Conduct and prevent it from recurring. A student should not hesitate to report Prohibited Conduct 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(s). 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 Prohibited Conduct. 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/misconduct, domestic violence, dating violence, or stalking may look for assurances of confidentiality.

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

The College will protect the confidentiality of complainants and other necessary parties to the extent practicable. When the College completes publicly available recordkeeping, including disclosure of information as required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), it will not include personally identifying

information about parties. The Title IX & Civil Rights Coordinator or designee will work with the Director of the Department of Public Safety or designee to determine what information about a complainant 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 complainant and the potential need for disclosure in order to effectuate the accommodations or protective measures. If it is decided that some disclosure is necessary, complainants 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.

In accordance with May 2020 Title IX regulations, the College will not access, consider, disclose, or otherwise use a party's privileged records or require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Other College Officials

Other College officials are discreet and strive to respect reasonable privacy expectations to the extent practicable, but they are not able to guarantee confidentiality. General inquiries or questions about this Policy and its 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. 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 their 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 Prohibited Conduct to the extent practicable in light of the need to do investigations and conduct disciplinary proceedings.

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

Confidential On-Campus Resources

Health Services 802-653-2234

Personal Counseling Services 802-654-2234

Fr. Michael Carter, 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

Dean's Staff within Student Affairs

Public Safety 802-654-2000

Dawn Ellinwood, Vice President for Student Affairs/Dean of Students 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 Initial Considerations Regarding Sexual Harassment/Misconduct, Domestic Violence, Dating Violence, or Stalking Complaints

The reporting opportunities and initial considerations outlined below apply to concerns about and complaints of Title IX Sexual Harassment (which includes Title IX-covered sexual harassment, domestic violence, dating violence, sexual assault and stalking as defined above as Title IX Sexual Harassment) and Non-Title Misconduct (which includes sexual harassment, domestic violence, dating violence, sexual assault and stalking as defined above as Non-Title IX Misconduct), whether those concerns involve reported Prohibited Conduct directed against students or employees by students, employees or third parties over whom the College has some measure of control.

Reporting by Employees with Oversight Responsibility

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 Title IX & Civil Rights Coordinator or Human Resources, any complaint or information they learn regarding sexual harassment/misconduct, domestic violence, dating violence, sexual assault or stalking. Failure by a supervisor to appropriately report such complaints and/or alleged acts could result in disciplinary action.

Any student, faculty or staff member or other person who wishes to report a complaint of or concern about sexual harassment/misconduct, domestic violence, dating violence, sexual assault or stalking is encouraged to contact, through the means of communication identified below, Public Safety, the Title IX & Civil Rights Coordinator, 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.

Any person may report concerns or complaints about sexual harassment/misconduct, dating violence, domestic violence, sexual assault and/or stalking 24 hours per day, 7 days per week by email to the Title IX & Civil Rights Coordinator, Catherine Welch, Ed.D., at cwelch2@smcvt.edu, during business hours by phone to the Title IX & Civil Rights Coordinator at (802) 654-2271, or 24/7 to Campus Public Safety at (802) 654-2374 or (802) 654-2000.

Individuals with a disability may request accommodations to ensure their full and equal participation in reporting incidents of Prohibited Conduct, as well as the investigatory and adjudicatory process under this Policy. Requests for accommodations in connection with the reporting, investigatory and/or adjudicatory process are determined on an individual basis by the Title IX & Civil Rights Coordinator, in consultation with the ADA/Section 504 Coordinator as appropriate.

When a student or employee reports to the College that the student or employee has been subjected to dating violence, domestic violence, sexual assault, or stalking, whether the reported conduct occurred on or off campus, the College 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/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).

Contacting Law Enforcement and Orders of Protection

In addition to (or instead of) the College's processes, any student who wishes to report a complaint of sexual harassment/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 Prohibited Conduct 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 and Preservation of Evidence

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 Prohibited Conduct, 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 an individual 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 an individual to file a police report or pursue criminal prosecution or a protection order, but having an examination can be very important if the individual decides at a later time to pursue any of those options.

Initial Communication with a Complainant

If a report alleges conduct that would, if proved, constitute Prohibited Conduct, the Title IX & Civil Rights Coordinator will:

- promptly contact the complainant to discuss the availability of supportive measures as defined below;
- consider the complainant's wishes with respect to supportive measures;
- inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
- explain to the complainant the process for filing a formal complaint.

Supportive Measures

If Prohibited Conduct is reported to College authorities, College personnel will work with the reported complainant to determine whether alternative academic, transportation, working and/or living situations are reasonably available and necessary in their particular case. Such measures, which are known as supportive measures, will be provided if requested and reasonably available. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to College's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter Prohibited Conduct.

Supportive measures may include but are not limited to:

- access to counseling and medical services
- assistance in obtaining a sexual assault nurse examination
- academic accommodations, such as extensions of deadlines or other course-related adjustments, course changes or late drops, or other arrangements as appropriate;
- modifications of work or class schedules;
- 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 class schedules, including the ability to transfer course sections or withdraw from a course;
- campus escort services and safety planning steps;
- mutual restrictions on contact between parties and/or other individuals;

- residential accommodations, including but not limited to arranging for new housing, or providing temporary housing options, as appropriate;
- assistance navigating off-campus housing concerns;
- changes in work locations;
- leaves of absence;
- increased security and monitoring of certain areas of campus;
- changing transportation or working arrangements or providing other employment accommodations, as appropriate;
- assisting the individual in accessing support services, including, as available, victim advocacy, academic support, counseling, disability, health or mental health services, visa and immigration assistance, student financial aid services, and legal assistance both on and off campus, as applicable;
- voluntary leaves of absence;
- referral to resources which can assist in obtaining an order of protection under Vermont law;
- referral to resources which can assist with financial aid, visa, or immigration concerns;
- no trespass notices prohibiting the presence of an individual on College property; and
- other similar measures.

Requests for supportive measures should be directed to the Title IX & Civil Rights Coordinator. Requests will be evaluated and responded to by the Title IX & Civil Rights Coordinator or designee after consultation, as needed, with other campus personnel whose cooperation may be necessary or helpful in evaluating or providing requested measures. The Title IX & Civil Rights Coordinator is ultimately responsible for coordinating the effective implementation of supportive measures.

The availability of supportive 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 but not limited to the needs of the student or employee seeking supportive measures; the severity or pervasiveness of the alleged conduct; any continuing effects on the parties; 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).

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

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.

As noted above, the College will take reasonable steps to maintain as confidential any supportive measures provided, to the extent that maintaining such confidentiality does not impair the College's ability to provide the supportive measures.

Interim Suspension, Emergency Removal and Administrative Leave

Interim Suspension of Students in Non-Title IX Misconduct Cases

The College may decide at its discretion to suspend a student respondent on an interim basis, that is, while an investigation is pending, in cases that fall within the definition of Non-Title IX Misconduct outlined above. The determination of whether to impose an interim suspension will be made by the Title IX & Civil Rights 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 respondent's continued presence on campus 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 operations is threatened or impaired. The College may permit written challenges to such decisions at its discretion, through procedures determined by the College to be appropriate under the circumstances of a particular case.

Emergency Removal of Students or Employees in Title IX Sexual Harassment Cases

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

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

Administrative Leave in Title IX Sexual Harassment Cases

The College always maintains the discretion to place non-student employee respondents on paid administrative leave during the pendency of an investigation and resolution process as outlined below, subject to any rights or procedures provided in any collective bargaining agreements.

The College may also place a non-student employee respondent on unpaid administrative leave during the pendency of an investigation and resolution process, subject to any rights or procedures provided in any applicable collective bargaining agreements.

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

Formal Complaints of Sexual Harassment/Misconduct, Domestic Violence, Dating Violence, Stalking or Related Retaliation

A student or employee may file a formal complaint of Prohibited Conduct by a student or a third party by contacting the Title IX & Civil Rights Coordinator (or in the case of a complaint against the Title IX & Civil Rights Coordinator, by contacting the President of the College, who will designate an alternate contact person). A student or employee may file a formal complaint of Prohibited Conduct by an employee or a covered 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 or covered third party may also seek assistance from the Title IX & Civil Rights Coordinator, who will provide support to the student in making contact with the Director of Human Resources. Relevant contact information is provided above.

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 timely and equal access to 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 complainants or respondents generally, or the individual complainant or respondent in a particular case. If either party is concerned that an official involved in an investigation or adjudication may be biased or have a conflict of interest, the party should share their

concerns with the Title IX & Civil Rights Coordinator immediately. If their concern is about the Title IX & Civil Rights Coordinator, the party should contact the President of the College.

A formal complaint under these procedures is a document filed by a complainant, signed personally or electronically by the complainant (or signed by the Title IX & Civil Rights Coordinator under circumstances outlined below), and must request that the College investigate reported Prohibited Conduct. The formal complaint may be prepared by the complainant and submitted in writing to the Title IX & Civil Rights Coordinator, or may be written by the Title IX & Civil Rights Coordinator based upon the complainant's verbal description of the alleged conduct, then submitted to the complainant for their review, editing and signature.

Determinations of Applicable Procedures, Dismissals, Transfers and Appeals of Such Determinations

When a complainant requests an investigation, the Title IX & Civil Rights Coordinator will promptly upon receipt of a formal complaint:

1) determine whether the conduct alleged would, if proved, constitute Title IX Sexual Harassment (i.e., Title IX *Quid Pro Quo* Sexual Harassment, Title IX Severe, Pervasive and Objectively Offensive Sexual Harassment, Title IX Sexual Assault, or sex-based Title IX Domestic Violence, Dating Violence or Stalking) as defined in the Title IX Sexual Harassment definition stated above;

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

3) determine whether the conduct allegedly occurred in the United States on or after August 14, 2020; and

4) determine whether at the time the formal complaint was made, the complainant was participating or attempting to participate in a College education program or activity.

If a formal complaint of conduct that would, if proved, satisfy all 4 of these elements and constitute Title IX Sexual Harassment as defined in this Policy is filed by a complainant or signed by the Title IX & Civil Rights Coordinator, it will be investigated and resolved through the procedures applicable to Title IX Sexual Harassment matters as outlined below.

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

If some but not all of the conduct alleged in the complaint satisfies all 4 of these elements and a formal complaint is received from a complainant or signed by the Title IX & Civil Rights Coordinator, the College has the discretion to address the entire matter through the procedures applicable to Title IX Sexual Harassment matters as outlined below (that is, it will as required by federal regulations follow Title IX Sexual Harassment procedures to address the alleged Title IX Sexual Harassment, and it may choose, to promote efficiency, to follow Title IX Sexual Harassment procedures to address Non-Title IX Misconduct and other non-Title IX alleged misconduct in such mixed cases, so that all related misconduct may be addressed through one investigation and resolution process). The College will make such decisions in the exercise of its best judgment to promote efficiency, and in accordance with applicable law, regulation and U.S. Department of Education guidance.

If it appears based upon initial review or upon information gathered during an investigation that the matter does not satisfy and/or no longer satisfies all 4 of these elements, the College will, as required by the May 2020 Title IX regulations, dismiss the matter for purposes of the Title IX Sexual Harassment process, and will transfer it for handling under the Non-Title IX Misconduct procedures outlined here or in other College procedures, as deemed appropriate by the College. Investigation and resolution of a matter that does not fall within Title IX may be pursued, dismissed altogether, or transferred to another College process, as deemed appropriate in the College's discretion and/or as appropriate under applicable law.

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

- A complainant notifies the Title IX & Civil Rights Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;

- The respondent is no longer enrolled at or employed by the College; or

- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

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

If the respondent is a student and an employee, the Title IX & Civil Rights Coordinator will determine which procedures apply based upon the facts and circumstances, such as whether the respondent's status as a student or an employee predominates in the context of the Prohibited Conduct. If a student-employee is found to have engaged in Prohibited Conduct, the student-employee may be subject to sanctions both in connection with their employment, and in connection with their student status, as appropriate under these and other applicable procedures.

Notice

If the College initiates an investigation of Title IX Sexual Harassment or Non-Title IX Misconduct it will provide to the parties a written notice (by electronic or other means) that includes:

- Information about the College's formal and informal resolution processes;
- A statement of the allegations of behavior potentially constituting Prohibited Conduct, including sufficient details known at the time and with sufficient time to prepare a response before any initial post-intake interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Prohibited Conduct, and the date and location of the alleged incident, if known;
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- Information regarding the College's presumption of good faith reporting and a summary of the College's false information policy (see Student Code of Conduct, Disrespect for Persons; Employee Code of Conduct & Whistleblower policy, Employee Handbook);
- Notification that parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
- Notification of existing counseling, health and mental health services available on campus and/or in the community; and
- Notification that taking any retaliatory action (directly or through others) against any person involved in the investigation is prohibited and will be considered a separate violation of College policy.

In Title IX Sexual Harassment cases, the notice will also notify parties that they may inspect and review evidence during the investigation and resolution process, as provided below.

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

Consolidation of Formal Complaints

The College may consolidate formal complaints as to allegations of Title IX Sexual Harassment and/or Non-Title IX Misconduct against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of such Prohibited Conduct arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this section to the singular "party," "complainant," or "respondent" include the plural, as applicable.

Investigations

The Title IX & Civil Rights Coordinator will appoint an investigator or investigators (generally 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 College will provide notice to the parties of the identities of the investigators. If a party believes that an investigator has a bias for or against complainants or respondents generally for or against a particular complainant or respondent, or has a conflict of interest, the party may within two (2) business days submit a written objection to the Title IX & Civil Rights Coordinator that outlines the basis for their objection to the investigator's service. The Title IX & Civil Rights Coordinator will make a decision on such objections, and will appoint any alternate investigator, and follow this process as necessary, until an investigator is selected to conduct the investigation.

If a respondent who has been notified of an investigation fails 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. In a case where a criminal investigation or criminal proceeding is underway regarding the same incident(s), the College may choose to delay its investigation for a reasonably short period while law enforcement officials are gathering evidence. During this period, the College may implement supportive measures to promote the safety and well-being of the parties 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, except as specifically permitted below in the context of Title IX Sexual Harassment investigations, 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 the investigation portion of the process within 90 days of issuing a notice of investigation as described above, but this may be extended at the College's discretion due to factors such as the complexity of the matter, the availability of witnesses, requests by law enforcement agency for a temporary delay in the investigation process (see below), College breaks, and other legitimate reasons.

Deadlines for parties' review of information and submission of comments may be extended upon request for good cause, at the discretion of the Title IX & Civil Rights Coordinator or their designee.

The investigator will conduct an appropriate investigation which may include interviews with the complainant, the respondent, and other persons with information. These interviews may be audio-recorded. As required by the Clery Act, individuals conducting investigations and determination proceedings will receive training annually on the issues related to sexual assault, 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.

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 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.

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 & Civil Rights Coordinator will facilitate communications between the parties and the investigator.

General Investigation-Related Provisions Applicable Only to Title IX Sexual Harassment Investigations

The following general investigation-related provisions are applicable only to the investigation of matters that fall within the definition of Title IX Sexual Harassment, as required by the May 2020 Title IX regulations. In such matters, the following provisions will apply:

- Parties' equal opportunity to present witnesses may include evidence from fact and expert witnesses; and
- Parties are not restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence; and

- Parties whose participation is invited or expected will receive written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.[3]

Preliminary Investigative Report

In both Title IX Sexual Harassment matters and Non-Title IX Misconduct matters, when the investigator has gathered all of the information that they determine should be gathered as an initial matter, the investigator will prepare a preliminary investigative report. The preliminary investigative report will summarize relevant evidence but will not contain any recommendations regarding whether the respondent violated this Policy or any other College policy at issue.

Preliminary Report Provisions Applicable only to Title IX Sexual Harassment Matters

In Title IX Sexual Harassment cases, the following additional provisions will apply during the preliminary investigative report stage of the investigation:

- The College will provide each party with an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised, including the evidence upon which College does not intend to rely in reaching a determination regarding responsibility and/or which the investigator does not deem relevant, and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Such evidence will not include un-redacted privileged records or information that may have been gathered or received during the investigation, absent written consent from the party holding the privilege.

- The College will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy.

- Parties and advisors are not permitted to download, print or copy such evidence subject to inspection and review, and are not permitted to re-disclose such evidence without the College's permission. Parties and advisors will be required to sign an acknowledgment form indicating that they understand these prohibitions. Violations of these prohibitions may subject parties to College discipline under applicable conduct codes.

Review and Response to Preliminary Investigative Report

In both Title IX Sexual Harassment and Non-Title IX Misconduct matters, the complainant and the respondent will have an opportunity to review the preliminary investigative report and provide written responses to the report. The complainant and the respondent must submit any comments,

[3] Parties to Non-Title IX Misconduct matters will receive adequate notice of meetings and hearings, but such notice may not include all of these elements.

feedback, additional documents, evidence, suggested questions for individuals interviewed, requests for additional investigation, names of additional witnesses, or any other information they deem relevant to the investigator, additional documents or other evidence, within 10 calendar days after the preliminary investigative report is sent or made available to them for review. The parties' written responses will be considered by the investigator prior to completion of the final investigative report, and some or all of the responses may be attached or otherwise incorporated into the final investigative report.

In the event that new, relevant information is provided or identified at this stage, the information will be incorporated into the preliminary report as deemed appropriate by the investigator.

Final Investigative Report

Final Investigative Report Generally

In both Title IX Sexual Harassment matters and Non-Title IX Misconduct matters, after considering any written response submitted by either party, or after the 10 calendar day comment period has lapsed without receiving a written response or responses, the investigator will address any relevant issues identified by the complainant and/or the respondent, and as appropriate, pursue any additional investigative steps as needed. The final investigative report will summarize relevant evidence, but will not contain a recommendation regarding responsibility. The final investigative report will be reviewed by the Title IX & Civil Rights Coordinator before it is issued. Final investigative reports will be provided simultaneously to the parties and their advisors, if any. The College will give each party an opportunity to review the other party's written response, if any. The final investigative report and the parties' written responses, if any, will be provided to the hearing officer in advance of the hearing.

Final Investigative Report Provisions Applicable Only to Title IX Sexual Harassment Matters

The following additional provisions regarding the final investigative report will apply in Title IX Sexual Harassment matters:

- The final investigative report created by the investigator will fairly summarize relevant evidence and include as exhibits evidentiary materials as deemed appropriate by the investigator;

- At least 10 calendar days prior to the hearing referenced below, the College will send to each party and the party's advisor, if any, the final investigative report and exhibits in an electronic format or a hard copy, for their review and written response; and

- Any written response a party wishes to provide must be submitted to the Title IX & Civil Rights Coordinator or designee within 10 calendar days of receiving the final investigative report and exhibits.

Hearings

The procedures outlined immediately below in this section apply to cases that involve allegations that a student or employee respondent engaged in conduct that, if proved, would fall within the definition of Title IX Sexual Harassment.

Hearing and Resolution Provisions Applicable Only to Title IX Sexual Harassment Matters

Hearings

Live hearings will be provided in Title IX Sexual Harassment matters, as required by the May 2020 Title IX regulations.

Hearing Officers

Hearings will be presided over by a hearing officer, who will make the decision by a preponderance of the evidence as to whether or not the respondent violated the policy provisions at issue. The hearing officer has broad authority to determine the process, timing and conduct of a hearing. For example, the hearing officer will determine the order of presentation, timing and overall duration of the hearing, what information and evidence will be heard, what information and questions are relevant to the determination of the matter, and what cross-examination questions will or will not be permitted.

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

Advisors

Each party may have an advisor of their choice present at a hearing for the limited purpose of conducting cross-examination on behalf of that party. Advisors may be, but are not required to be, attorneys. If a party does not have an advisor of their choice present at a hearing, the College will without fee or charge to the party provide an advisor of the College's choice, again for the limited purpose of conducting cross-examination on behalf of that party. No later than 10 calendar days before the hearing, parties should inform the Title IX & Civil Rights Coordinator of the identity of any advisor of choice who will accompany them to the hearing, so that the College will know whether or not it needs to arrange for the presence of a College-provided advisor.

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

Requests for Appearance of Witnesses

If a party wishes to have an individual appear at the hearing as a witness, they must provide notice of the identity of the proposed witness and a brief description of the subject matter of the witness's testimony to the Title IX & Civil Rights Coordinator or designee at least 10 calendar days before the date of the hearing. The Title IX & Civil Rights Coordinator or designee, in consultation with the hearing officer as necessary, will determine whether the witness is likely to have information that is relevant to the hearing, and if it is determined that the witness is likely to have relevant information, the Title IX & Civil Rights Coordinator or designee will inform the witness that their presence at the hearing is required (to the extent that the College has jurisdiction to require the presence of the witness) or requested.

Conduct of Hearings and Relevance

At or before the hearing, the hearing officer will receive a copy of the final investigative report, any attachments thereto, and copies of the parties' written responses to the final investigative report, if any, which will be part of the information of record to be considered by the hearing officer.

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

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

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

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

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

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

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

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

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

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

At the discretion of the hearing officer, parties (but not their advisors) will usually be given an opportunity to make a closing statement at the conclusion of the hearing.

Record of Hearings

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

Determinations Regarding Responsibility

Within 14 days after the hearing, the hearing officer (and if necessary the sanctioning officer, as provided below) will prepare and issue a written determination regarding responsibility and sanctions. In determining responsibility, the hearing officer will apply the preponderance of the evidence standard. The written determination will include:

- Identification of the section(s) of the College's Title IX Sexual Harassment policy alleged to have been violated;

- A description of the procedural steps taken from the receipt of the complaint through the determination, including but not limited to, as applicable, any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

- Findings of fact supporting the determination;

- Conclusions regarding the application of definitions of sexual harassment in the College's Title IX Sexual Harassment Policy to the facts;

- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility and, where necessary and in collaboration with the sanctioning officer, a statement regarding any sanctions and the rationale therefor; and

- Identification of the College's procedures and permissible bases for the complainant and respondent to appeal (as outlined below).

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

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

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

Resolution and Other Provisions Applicable Only to Non-Title IX Misconduct Matters

The procedures outlined immediately below in this section apply to cases that involve allegations that a student or employee respondent engaged in conduct that, if proved, would fall within the definition of Non-Title IX Misconduct, as defined above.

Hearings

Live hearings will be provided in Non-Title IX Misconduct matters.

Hearing Officers

Hearings will be presided over by a hearing officer, who will make the decision by a preponderance of the evidence as to whether or not the respondent violated the policy provisions at issue. The hearing officer has broad authority to determine the process, timing and conduct of a hearing. For example, the hearing officer will determine the order of presentation, timing and overall duration of the hearing, what information and evidence will be heard, what information and questions are relevant to the determination of the matter, and the nature and substance of any questions asked of parties and/or witnesses.

Hearing officers will be appointed by the Title IX & Civil Rights Coordinator. In selecting a hearing officer for a particular matter, the Title IX & Civil Rights Coordinator will take care to select an individual who does not have a conflict of interest or bias for or against complainants or respondents generally or for or against an individual complainant or respondent. The College will notify the parties of the identity of the hearing officer in advance of the hearing, and parties may, within two (2) business days of such notice, object to the service of the hearing officer by providing a written statement (which may be transmitted electronically) as to why the party believes that the hearing officer has a conflict of interest or bias. The Title IX & Civil Rights Coordinator or designee will make decisions regarding such objections and the appointment of an alternate hearing officer, as necessary.

Advisors

Each party may have an advisor of their choice present at a hearing. Advisors may not participate actively in the hearing and may not speak or otherwise communicate on the part of the party that the advisor is advising. However, the advisor may consult privately in a non-disruptive manner with their advisee during and/or at a recess in the hearing. Scheduling accommodations generally will not be made for advisors if they unduly delay the process. The College reserves the right to take appropriate action regarding any advisor who disrupts the process, or who does not abide by the restrictions on their participation as determined in the sole discretion of the hearing officer, which may include exclusion of the advisor from the hearing and the alternate appointment of a College-provided advisor.

Requests for Appearance of Witnesses

If a party wishes to have an individual appear at the hearing as a witness, they must provide notice of the identity of the proposed witness and a brief description of the subject matter of the witnesses' testimony to the Title IX & Civil Rights Coordinator or designee at least ten (10) calendar days before the date of the hearing. The Title IX & Civil Rights Coordinator or designee, in consultation with the hearing officer as necessary, will determine whether the witness is likely to have information that is relevant to the hearing, and if it is determined that the witness is likely to have relevant information, the Title IX & Civil Rights Coordinator or designee will inform the witness that their presence at the hearing is required (to the extent that the College has jurisdiction to require the presence of the witness) or requested.

Conduct of Hearings

At or before the hearing, the hearing officer will receive a copy of the final investigative report, any attachments thereto, and copies of the parties' written responses to the final investigative report, if any, which will be part of the information of record to be considered by the hearing officer.

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

After the hearing officer has asked their initial questions of the parties, the hearing officer will permit each party to submit to the hearing officer proposed questions that they would like the hearing officer to pose to the other party. The hearing officer may at their discretion pose, rephrase, or decline to pose any and all such proposed questions. Subject to the discretion of the hearing officer, questioning of witnesses will generally follow a similar process, whereby the hearing officer will pose relevant questions to each witness, then the parties may submit to the hearing officer proposed questions that they would like the hearing officer to pose to each witness. The hearing officer may at their discretion pose, rephrase, or decline to pose any and all such proposed questions. No direct cross-examination of parties or witnesses by parties or their advisors will be permitted.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

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

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

Formal rules of evidence do not apply to hearings under these procedures. The hearing officer will accept, consider and give weight to information as deemed appropriate at the discretion of the hearing officer.

At the discretion of the hearing officer, parties (but not their advisors) will usually be given an opportunity to make a closing statement at the conclusion of the hearing.

Record of Hearings

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

Determinations Regarding Responsibility

Within 14 days after the hearing, the hearing officer (and if necessary the sanctioning officer, as provided below) will prepare and issue a written determination regarding responsibility and sanctions. In determining responsibility, the hearing officer will apply the preponderance of the evidence standard. The written determination will include:

- Identification of the section(s) of the College's Non-Title IX Sexual Harassment Policy alleged to have been violated;

- A description of the procedural steps taken from the receipt of the complaint through the determination, including but not limited to, as applicable, any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

- Findings of fact supporting the determination;

- Conclusions regarding the application of definitions of sexual harassment in the College's Non-Title IX Misconduct Policy to the facts;

- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility and, where necessary and in collaboration with the sanctioning officer, a statement regarding any sanctions and the rationale therefor; and

- Identification of the College's procedures and permissible bases for the complainant and respondent to appeal (as outlined below).

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

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

Standard of Proof

Proceedings under this Policy use the "preponderance of the evidence" or "more likely than not" standard of proof. This means that for a finding of responsibility to be made, it must be determined that there is more than a 50 percent likelihood that actions or behavior in violation of the policy at issue did occur.

Sanctions

The possible sanctions the College may impose following a finding of responsibility for Prohibited Conduct 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 or an employee's employment;
- dismissal from enrollment or employment at the College and/or referral to a separate process for employment-status-related sanctioning, as appropriate.

The possible sanctions the College may impose following a finding of responsibility for Prohibited Conduct that constitutes sexual assault or sexual harassment may include but are not limited to:

- probation;
- class or academic re-assignment;
- residential relocation;

• suspension of a student's enrollment or an employee's employment;

• dismissal from enrollment or employment at the College, and/or referral to a separate process for employment-status-related sanctioning, as appropriate.

For a fuller description of these sanctions in the student context, please see the "Disciplinary Status Sanctions" section of the **Student Code of Conduct and Policies**. For a fuller description of these sanctions in the employment context, please see the College's **Employee Handbook**.

In cases where a student is found responsible for Prohibited Conduct as defined above, sanctions will be determined by the Dean of Residential Operations & Systems or designee. In cases where a faculty member is found responsible for Prohibited Conduct as defined above, sanctions (which may include referral to a separate process for the determination of employment-status-related sanctions, as appropriate), will be determined by a College administrator appointed by the President. In cases where a non-faculty employee is found responsible for Prohibited Conduct as defined above, sanctions (which may include referral to a separate process for the determination of employment-status-related sanctions, as appropriate) will be determined by the Director of Human Resources or designee. Individuals in these positions will be referred to here as "sanctioning officers". In cases where a respondent occupies more than one of these categories, sanctioning officers will determine at their discretion who will determine the sanction, either jointly or individually.

The sanctioning officer will determine sanctions after receiving notice from the hearing officer that a determination of responsibility has been made in a particular case, and based upon a review of file documents and other case-related resources as deemed appropriate at the discretion of the sanctioning officer. The sanctioning officer and the hearing officer will collaborate to produce one written determination, which will provide notice to the parties of findings regarding responsibility, resulting sanctions, and the rationale therefor. Written determinations regarding responsibility and sanctions will be communicated to the parties simultaneously.

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 their actions, the College may, once it has determined that the student respondent understands fully but has decided not to take advantage of the rights provided by the procedures described above, offer the option of Disposition Without a Determination, which is also called a Dean's Sanction. For a full description of the Dean's Sanction process, please see the "Disciplinary Sanctions" section of the **Student Code of Conduct and Policies**.

Appeal Procedure

Each party to a case falling under this Policy has a right to appeal the Title IX & Civil Rights Coordinator's dismissal of a formal complaint for Title IX purposes or a determination regarding responsibility on the following grounds:

- Procedural irregularity that affected the outcome of the matter;

- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or

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

Within seven (7) calendar days of the date on which the written determination regarding responsibility and, if applicable, sanctions, is transmitted to the parties, either the complainant or respondent may appeal the decision to an appeals officer. The appeals officer for cases involving student respondents will be the Vice President for Student Affairs. The appeals officer for cases involving non-faculty employees will be the Director of Human Resources or designee. The appeals officer for cases involving faculty respondents will be a College administrator appointed by the President. Appeals are initiated by the appealing party's delivery of a statement of appeal to the Title IX & Civil Rights Coordinator, who will forward the statement of appeal to the appropriate appeals officer. The other party may be notified of any submitted appeal through the Title IX & Civil Rights Coordinator or their designee. The other party may submit a written response to the appeal within 5 working days of delivery of the appealing party's 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 appeals officer is final.

Adaptable Resolution

Adaptable Resolution is a voluntary, remedies-based, non-disciplinary structured process that does not involve formal hearing-based resolution procedures. Adaptable Resolution processes are focused on creating an agreement to address harm and promote accountability. Adaptable Resolution may be used in Title IX Sexual Harassment matters in which a formal complaint has been filed by a complainant or signed by the Title IX & Civil Rights Coordinator, or in Non-Title IX Misconduct cases.

Adaptable Resolution is generally designed to allow a respondent to acknowledge harm and take responsibility for repairing harm (to the extent possible) experienced by the complainant and/or the College community. Adaptable Resolution is designed to eliminate the Prohibited Conduct, prevent its recurrence, and remedy its effects in a manner that meets the needs of the complainant while maintaining the safety of the campus community. Adaptable Resolution must be approved by the Title IX & Civil Rights Coordinator and voluntarily consented to by all parties.

Adaptable Resolution Options

The Adaptable Resolution options will be facilitated by a trained Adaptable Resolution facilitator, which may include the College's Title IX & Civil Rights Coordinator.

With approval from the Title IX & Civil Rights Coordinator, and in order for Adaptable Resolution to proceed, the complainant and the respondent must agree on the process that best

meets the interests and needs of the parties. Adaptable Resolution may include one or more of the following restorative approaches:

- **Facilitated Dialogue**: A structured and facilitated conversation between two or more individuals, most often the complainant, the respondent, and/or other community members. The focus is often on providing a space for voices to be heard and perspectives to be shared. Depending on stated interests, the participants may sometimes work towards the development of a shared agreement, although working towards an agreement is not always the intended outcome;

- **Restorative Circle or Conference Process**: A facilitated interaction where individuals who have experienced harm can come together with an individual(s) who assumes responsibility for repairing harm, with the goal of creating a plan or agreement to repair the harm (to the extent possible). A circle or conference may include multiple members of the community to explore individual and community impact, harm, obligations, and opportunity for repairing them. The parties must agree on all those who will be present;

- **Restorative Shuttle Agreement**: A negotiated agreement between the complainant and the respondent (and potentially other participants) facilitated via a process wherein the complainant and respondent do not meet together, but instead meet separately with a facilitator to discuss perspectives and experiences, and to explore interests while working towards meeting expressed needs. This facilitated process does not require direct interaction between the parties. Rather, participants meet independently with a coordinator to create an agreement to repair harm; and/or

Adaptable Resolution Agreements

A mutual voluntary resolution agreement may include any terms that the parties mutually and voluntarily agree to and which the Title IX & Civil Rights Coordinator approves. Examples of common terms are:

- Agreement for the respondent to participate in an educational program designed to prevent additional harm;
- Agreement for the respondent to complete an educational plan with regular meetings with a designated College staff or faculty member;
- Agreement for the respondent to participate in alcohol education classes;
- Agreement for the respondent to participate in regular meetings with anappropriate College individual, unit, or resource;
- Agreement to no contact;
- Agreement to not participate in one or more College programs or activities;
- Agreement by the respondent to refrain from attending specific events;

- Agreement by the respondent to participate in counseling sessions; and/or
- Agreement by the respondent to voluntary, temporary or permanent separation from the College

Adaptable Resolution Process

More details about Adaptable Resolution procedures deemed potentially appropriate for a particular matter will be provided to parties by the Title IX & Civil Rights Coordinator. If a party requests the initiation of an Adaptable Resolution process and the Title IX & Civil Rights Coordinator agrees that the matter is appropriate for Adaptable Resolution, the College will provide to each party a written notice that discloses:

- The allegations;
- The requirements of the Adaptable Resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations-
    - As noted below, the College generally permits parties to withdraw from the Adaptable Resolution process and initiate or re-initiate a formal investigation and hearing process at any time before the Adaptable Resolution process is completed and any informal resolution is agreed to in writing by the parties);
- That statements made by the parties as part of the Adaptable Resolution process will not be used in any other College process, including investigative resolution, if Adaptable Resolution ends and investigative resolution begins or resumes; and
- Any consequences resulting from participating in the Adaptable Resolution process, including the records that will be maintained or could be shared.

The Title IX & Civil Rights Coordinator will assess a request for Adaptable Resolution in light of factors such as, but not limited to, the severity of the alleged violation and the potential risks to campus community members posed by the reported misconduct, and will only suggest potential Adaptable Resolution procedures that the Title IX & Civil Rights Coordinator deems potentially appropriate for use in a particular matter.

A party may withdraw from the Adaptable Resolution process at any time prior to their execution of a written Adaptable Resolution agreement.

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

The College will not offer to facilitate an adaptable resolution process in any matter that involves allegations that an employee sexually harassed a student.

Individuals who wish to participate in an Adaptable Resolution process must have successfully completed preparatory meetings with the Adaptable Resolution facilitator, who will assist parties with coordination of Adaptable Resolution.

Individuals may be accompanied by an Advisor at any meetings related to the Adaptable Resolution process. Information shared or obtained during AdaptableResolution will be treated as private to the extent permitted by law and will not result in subsequent disciplinary actions by the College.

Any agreement reached in Adaptable Resolution must be documented by the Adaptable Resolution facilitator and approved by the Title IX & Civil Rights Coordinator.

If the Title IX & Civil Rights Coordinator or designee approves an agreement after the parties have voluntarily reached consensus as to its terms, the respondent will be required to comply with the agreement. Typically, an agreement also includes agreed upon consequences when obligations under the agreement are not fulfilled.Should the process transition to investigative resolution, information obtained through the Adaptable Resolution process may not be utilized in the investigative resolution. Once the Title IX & Civil Rights Coordinator approves an agreement, the parties are bound by its terms and cannot return to investigative resolution.

To fairly assess pattern or systemic behavior, the Title IX & Civil Rights Coordinator maintain records of all reports and conduct referred for Adaptable Resolution. While considering the voluntary and participant-driven nature of Adaptable Resolution, the College will strive to complete Adaptable Resolution within 90 calendar days beginning with when the parties sign an agreement to participate through the signing of a resolution agreement, if applicable.

Educational Programming

The College will provide educational programming for students and employees addressing the issues of domestic violence, dating violence, sexual assault, 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.