

Annual Campus Security & Fire Safety Report

October 1, 2024



LANDMARK
COLLEGE

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Introduction

Jeanne Clery Disclosure of Campus Safety Policy and Campus Crime Statistics Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act was signed into law in November 1990. It requires institutions of higher education participating in student financial aid programs under Title IV of the Higher Education Act of 1965 to disclose information about campus safety policies and procedures and to provide statistics concerning certain crimes that occurred on or near campus. On Aug. 14, 2008, the Higher Education Opportunity Act or HEOA (Public Law 110-315) reauthorized and expanded the Higher Education Act of 1965, as amended. HEOA amended the Clery Act and created additional safety and security-related requirements for institutions.

Fire Safety Right-To-Know

The Campus Fire Safety Right-to-Know Act is an amendment to the Higher Education Opportunity Act. This amendment serves to increase campus fire safety awareness across the nation, providing students and their families with the fire safety records of colleges/universities. Signed into law by President George W. Bush on August 14, 2008, this amendment requires post-secondary institutions to publicly display fire safety information and statistics, much as they already do with other safety statistics. This information provides prospective and current students with the policies, concerns, and fire safety conditions that are present at the institution in which they have applied or are enrolled.

Policy for Reporting Annual Disclosure of Crime Statistics

This report is prepared by the Landmark College Office of Campus Safety and Emergency Management with collaborating data and statistics submitted by the Offices of Residential Life, Student Conduct, Counseling, Health Services, Student Affairs, and other reports submitted by Campus Security Authorities (CSAs). Please see a definition of CSAs on page 3 of this report.

Also included in this report are statistics received and reported by local law enforcement and safety agencies including the Windham County Sheriff's Department, Vermont State Police, and Putney Fire Department.

Reports of crimes (including Clery Act crimes) may be made to any member of the Campus Safety staff, Residential Life staff, or Student Affairs staff for the purpose of making timely warning reports and for inclusion in the annual statistical disclosure.

Information may be reported for inclusion in the annual report on a confidential (not to be construed as anonymous) basis to the Counseling Office staff. In this case, confidential reporting shall be defined as reports that are written or verbally reported, and deemed legitimate, but for which no particular action is requested by the reporting party.

This report is posted by October 1st of each year on the Landmark College website in various locations including the Student Affairs and Campus Safety & Emergency Management pages. Printed copies of this report are available at no charge in the Student Affairs Office, the Campus Safety & Emergency Management Office, the Enrollment Services Office, and the Landmark College Library.

Department of Campus Safety & Emergency Management

The mission of the Department of Campus Safety & Emergency Management is to provide a safe environment for students, faculty, and staff to work and study on Landmark's Putney Campus

It is recognized, however, that the responsibility for crime prevention and fire safety does not rest solely with the College administration or Campus Safety authorities; it is shared with all members of the community. The success of any prevention effort depends largely on each person following sound practices and recognizing and immediately reporting criminal, suspicious, or fire-safety-related activity to the Campus Safety office. A truly safe campus can only be achieved through the cooperation of students, faculty, and staff.

Location & Hours of Operation

The Department of Campus Safety is located on the lower level of Davis Hall, room 001. It provides services and campus patrols 24 hours a day, seven days a week.

Enforcement Authority & Jurisdiction

Campus Safety Officers respond to complaints of disturbances, crimes, suspicious persons, motor vehicle-related problems, lockouts, fire-alarm activations, medical calls, and to any emergency or request for assistance. Officers are responsible for performing investigations, preparing incident reports, and upholding the rules and regulations of the College, including Housing Regulations, Parking Regulations, and the Standards of Conduct for Students. Officers also note security-related problems such as broken windows and malfunctioning lights and locks. Services offered include property identification and a safety escort service.

All Campus Safety officers have jurisdiction over property owned and/or controlled by the College. While Campus Safety officers do not have arresting authority, they do have the authority to direct adherence to campus policies and ban any individual from campus, which is enforceable through local law enforcement agencies.

Relationship with Local Agencies

The College works closely and in cooperation with both jurisdictional law enforcement agencies of the Windham County Sheriff's Department and the Vermont State Police, as well as other emergency-service agencies, including the Town of Putney Fire Department and Rescue, Inc. No written MOUs are in place with these primary providers of law enforcement services.

Local law enforcement agencies will often report off-campus behavior (both criminal and non-criminal) of students to the College. The College also receives press releases and police logs from local agencies. The College reserves the right to address all off-campus behavior of students using College policy and the Standards of Conduct. Landmark College does not have any off-campus student organizations that are formally recognized by the College.

Reporting Criminal Activity, Fire Safety Violations, and Other Emergencies and Concerns

Campus Security Authorities (CSA)

A Campus Security Authority (CSA) is a designated College employee who is required to disclose and report Clery-Act crimes that are reported to them. Campus Security Authorities include the following groups of individuals and organizations associated with the College:

1. A campus police department or a campus security department of an institution.
2. Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department.
3. An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.

CSAs are responsible for reporting allegations of *Clery Act* crimes that are reported to them in their capacity as a CSA. This means that CSAs are **not** responsible for investigating or reporting incidents that they overhear students talking about in a hallway conversation; that a classmate or student mentions during an in-class discussion; that a victim mentions during a speech, workshop, or any other form of group presentation; or that the CSA otherwise learns about in an indirect manner.

The following individuals are considered CSAs at Landmark College:

Campus Safety & Emergency Management (Duty Officer)	802-387-6899
Resident Assistants	
Resident Deans (phone number is for the RD on call)	802-387-6781
Director of Campus Safety & Emergency Management	802-387-1689
Director of the Centers for Diversity & Inclusion	802-387-7102
Assistant Director of Campus Safety	802-387-1615
Director of Athletics, Fitness & Recreation	802-387-6790
Assistant Director of Fitness and Recreation	802-387-6786
Academic Advisors	
Director of Social Pragmatics Programs	802-387-6370
Dean of Students & Director of Student Engagement	802-387-6362
Dean of Campus Life & Dir. of Residential Life	802-387-6411
Vice President for Student Affairs & Title IX Coordinator	802-387-6713

Professional counselors, when acting as such, are not considered campus security authorities and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, counselors are encouraged to explain to a victim that the counselor could inform the College of the crime solely for statistical purposes, keeping the victim's name anonymous.

How to Make a Report

Students, or other community members, should make reports to the Department of Campus Safety, Residential Life Staff, the Student Affairs Office, or any other CSA regarding crimes they are victims of, witness or suspect, fire safety violations, arson or attempted arson, or any other emergency or concern regarding the safety of the community.

To report a crime or other emergencies, the Campus Safety Duty Officer can be reached in the office or via telephone at campus extension 6899 or from a non-campus phone at (802) 387-6899. Local law enforcement and emergency responders can also be contacted at the following numbers:

Windham County Sheriff Department	911 or 802-365-4942
Vermont State Police (Westminster Barracks)	911 or 802-722-4600
Putney Fire Department	911 or 802-387-4372

The College encourages accurate and prompt reporting of all crimes on campus and to also make a report to the appropriate law enforcement agency in addition to any report to the College, when the victim of a crime elects to or is unable to, make such a report. Any member of the Student Affairs staff (including Residential Life, Student Conduct, Campus Safety & Emergency Management, Counseling, and Health Services) may facilitate and assist students in connecting with the Department of Campus Safety or local law enforcement agencies.

Information may be reported for inclusion in the annual report on a confidential (not to be construed as anonymous) basis to any clinician in the Counseling Office by requesting an appointment with a counselor using the College's online Counseling Request Form. In this case, confidential reporting shall be defined as reports that are written or verbally reported, and deemed legitimate, but for which no particular action is requested by the reporting party. Counselors will inform and encourage, as appropriate, people they are counseling on how to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

Timely Warnings

Student Affairs, Residential Life, Campus Safety, or other designated offices will issue timely warnings regarding crimes that are reported to Landmark College Campus Security Authorities (CSAs), local law enforcement, or others and are considered by the College to represent a serious and ongoing threat to students and/or employees.

Criminal incidents that are within the Clery geography that might prompt a timely warning include the Clery crimes of aggravated assault, arson, burglary, manslaughter by negligence, motor vehicle theft, murder/non-negligent manslaughter, robbery, rape, fondling, incest, statutory rape, domestic violence, dating violence, stalking, hate crimes, and arrests or disciplinary referrals for weapons, drug abuse, or liquor law violations as defined in the Crime Statistics section of this report. Other criminal incidents may prompt a timely warning depending on the circumstances.

The primary method of distribution for these timely warnings will be through broadcast e-mails and the College's emergency alert system which uses texts, voice calls, e-mails, and postings to web pages and social media sites.

Local law-enforcement agencies have been asked for their cooperation in informing the College about crimes reported to them that may warrant timely warnings.

In issuing these timely warnings, the College will withhold the names and other identifying information of victims. The College will not issue timely warnings that could compromise criminal investigations.

Daily Crime Log

The Landmark College Department of Campus Safety maintains a Daily Crime Log of all criminal incidents and alleged criminal incidents reported to have occurred on the Landmark College campus, on the adjacent public property, or at non-campus buildings or properties, as defined by the Clery geography definitions.

The Daily Crime Log will contain any reports from a Campus Security Authority and local law enforcement. Campus Safety publishes the crime log entry, an addition to an entry, or a change in the disposition of the complaint within 2 business days of receipt of the crime report and maintains a printed copy in the Campus Safety Office in Davis Hall.

The Daily crime log identifies the nature of the crime, the general location of the crime, the date and time the crime occurred, the date the crime was reported, and the disposition of the complaint, if known.

Landmark College will make the daily crime log for the most recent 60-day period open to public inspection during normal business hours. The College will make any portion of the log older than 60 days available within two business days of a request for public inspection.

Exceptions to the crime log entry procedure described above may be made if such disclosure is prohibited by law or would jeopardize the confidentiality of the victim. In addition, the College may temporarily withhold information if there is clear and convincing evidence that the release of information would jeopardize an ongoing investigation, jeopardize the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence.

Access to Campus Facilities

Landmark College is a private institution of higher education. The grounds of the Landmark College campus and most facilities are accessible to the campus community, guests, and visitors during posted hours of operation or for special performances and presentations. Exterior doors on campus buildings other than residence halls are locked and secured each evening by Campus Safety personnel or through scheduled actions through automatic locking systems (and checked by Campus safety during regular rounds of campus). After-hours access to academic spaces is allowed to students who have established a specific need for access that has been confirmed by the appropriate faculty.

Public and student access to certain buildings and spaces on campus are restricted according to College policy. Administrative, academic, and other non-residential buildings are locked according to posted building and/or office hours. Specific access to academic facilities after regular business hours is granted for specific academic needs and as guided by College policy.

The exterior doors of Frost, Aiken, Alumni, Stone, Davis, and Chumley Halls are locked 24 hours a day through an automatic locking system controlled by Campus Safety. Doors are also checked by Campus safety during regular rounds of campus. Each Landmark student identification card is embedded with a proximity reader for access to these halls. Residents of the Bridges buildings are issued a key for access to the exterior door of their suite. Each student is issued one key to his/her individual room and is advised to lock their room doors.

Residential, Campus Safety, Facilities staff, and other faculty/staff with work-related reasons to be in the residence halls are issued ID cards that allow access. Approved vendors and contractors may be provided with access cards to the exterior doors of

Residence Halls.

Other vendors and contractors that are not afforded card-access will be escorted by Campus Safety. Any resident who observes an individual who they feel does not belong within the residence hall is advised to call Campus Safety to report the individual.

Residential, Campus Safety, Facilities staff routinely inspect all campus facilities and address any safety deficiencies promptly.

Guests of resident students must be signed in by the student host and should be accompanied by the student host at all times.

College officials reserve the right to verify the identity and purpose of visitors at anytime. College officials also retain the authority to request an individual or group of individuals depart from campus at any time, for any reason.

When the College is closed, academic and administrative buildings are locked and only faculty, staff, and students with proper ID may be admitted.

Campus Safety Officers patrol campus facilities throughout the night.

Maintenance and Security of Campus Facilities

The College maintains a safe level of exterior lighting on campus. College personnel routinely monitor lighting fixtures to ensure they are working properly. Members of the campus community are encouraged to report any lighting deficiencies to Campus Safety or Residential Life.

Campus Safety Officers also routinely inspect access doors for proper operation and report problems when they occur.

Smoke and carbon monoxide detectors are installed in all residence halls and buildings and connected to a main fire safety system that is connected to local Mutual Aid. Fire alarm pull stations are located throughout the campus. Fire safety equipment (extinguishers, sprinklers, alarms, etc.) is inspected regularly.

Emergency “Blue Light” exterior phones are located in four locations on the lower campus (by the library, in the parking lot in the FAB, in the Administration parking lot, and at Charles Drake Athletic Field).

Activating these lights will elicit a response from Campus Safety.

Crime Prevention & Safety Procedures Education

Each year, new students receive crime prevention and fire safety information in a session that is part of the New Student Orientation process. One of the core values of Landmark College is Safety, and it is widely distributed that students and others should “Make choices that keep you and your peers healthy and safe. Be an active bystander: if you see something, say something.”

Residence Hall safety and crime prevention programs are presented on campus throughout the year on an ongoing basis. Residence Hall staff can initiate safety programs for their residents by contacting the Campus Safety office. Campus Safety staff conduct safety & security training sessions with the Residential Life staff as well as through their efforts. These programs include awareness in the areas of alcohol & drug use, theft, fire safety, driving safety, and sexual assault, domestic violence, dating violence, and stalking. Each semester,

an all-campus Shelter-in-Place drill is conducted as is a test of the College's emergency alert system.

Employees receive fire, crime, and emergency prevention and response tips and reminders through the use of the campus e-mail system, posters mounted in the classrooms, and departmental training. The Director of Campus Safety or selected officers will speak with any concerned individual or group about crime or fire prevention and safety concerns.

Non-Campus Locations of Student Organizations

The College does not have any officially recognized student organizations with non-campus locations.

Emergency Response, Notification, and Evacuation

Emergency Response

Landmark College maintains a Critical Incident Response Team and an Emergency Operations System. The President of Landmark College, or designee, has primary responsibility for deciding whether to declare the presence of a critical incident and to activate the Critical Incident Response Team or the Emergency Operations Center.

Local law and emergency services have been included in the drills and development of the Emergency Operation Center.

Emergency Notification

Upon the activation of the CIRT, the EOC, or upon the confirmation of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of students or employees as determined by the evaluation of reports and observed circumstances, the President (or designee), in consultation with the Public Information Officer, Vice President for Student Affairs, and the Emergency Management Director will determine the appropriate content and segment or segments of the campus community potentially impacted by the emergency for any broadcast notification. Under the President's authorization, the Public Information Officer, Vice President for Student Affairs, Director of Campus Safety & Emergency Management (or designee) will initiate the College's notification system. If emergency information is required to the larger community, the College will issue those alerts through various means including, but not limited to, press releases and notices on the College's website.

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

The primary method of distribution for these timely warnings and emergency notifications will be through broadcast e-mails and the College's emergency alert system (Regroup) which uses texts, voice calls, e-mails, and postings to web pages and social media sites. Unless changed by the user, Regroup uses mobile phone numbers as recorded in the College's primary database (PowerCampus). Students and employees can confirm or modify their Regroup profile information by logging into the Regroup portal at <https://landmark.regroup.com/signup>.

The emergency alert system will be tested on an annual basis by the Student Affairs or Campus Safety Office. These may or may not be in conjunction with annual evacuation drills held in the residence halls and other campus buildings and may or may not be announced. Records of the emergency alert test will be maintained in the emergency alert system.

Evacuation Drills

Landmark College conducts evacuation drills in the residence halls several times each year. The purpose of the drills is to prepare occupants for an organized evacuation in the event of an emergency. Similar drills in the administrative and classroom buildings are held on a regular schedule. During these evacuation drills, occupants become familiar with the location of exits and the sights and sounds of the fire alarm system. Occupants learn where their “muster stations” are.

Shelter-in-place drills are conducted for the entire campus on an annual basis.

Evacuation and shelter-in-place drills provide the opportunity to make certain all related equipment is operating properly and that any necessary repairs are made promptly.

Students receive instruction about evacuation and shelter-in-place drills at regular residence hall floor meetings and faculty & staff receive this information through campus communication systems.

Should a long-term evacuation of the campus ever become necessary, the Landmark College Emergency Operations Center would coordinate evacuation efforts with local and state Emergency Management authorities.

Evacuation and shelter-in-place drills are monitored and evaluated by the Department of Campus Safety and Residential Life staff. Summary reports are provided to the community at the conclusion of the drill period and include, among other information, a description of the exercise, the date and time of the exercise, and whether or not it was announced or unannounced.

Prior to each drill on campus, procedures and instructions are distributed to the campus community.

Missing Persons

Anyone who believes a resident student to be missing should report their concern to the Director or Assistant Director of Campus Safety, and Campus Safety officers, the Dean of Students, or the Vice President for Student Affairs. While a report can be made at any time, a report must be made if it is believed a person has been missing for more than 24 hours. Every report made to campus officials will be investigated.

Depending upon the circumstances presented to College officials, families of a missing student may be notified. Family contact will occur within 24 hours of a student being determined as missing in all cases where a student is under the age of 18 and not emancipated from their family. If family notification is necessary, the Vice President for Student Affairs, or designee, will place the call.

At the beginning of each academic year, Landmark requires all students to confirm or update the emergency-contact information maintained by the College. The form used in this process includes the option for students to provide confidential contact information for a person to be notified in the event that the student is officially reported as missing. This contact information may not be disclosed outside of the College except to law-enforcement personnel

investigating the missing person. If this option is left blank, the College will consider the general emergency-contact number provided by the student as necessary to comply with this procedure.

General Procedure

The Landmark College official receiving the report will collect and document the following information:

- The name and relationship of the person making the report;
- The date, time, and location the missing student was last seen;
- The general routine or habits of the suspected missing student (e.g., often visits friends who live off-campus, often returns home, any recent changes in behavior or demeanor, etc.)
- The missing student's cell phone number, if known by the reporter or if contained in the College's database.

The Landmark College official receiving the report will immediately inform the Vice President for Student Affairs and Campus Safety. The Vice President for Student Affairs will determine if the President and the Chief Public Relations officer should be informed.

Upon notification from any person that a student may be missing, Landmark College officials may use any or all of the following resources to assist in locating the student:

- Call the student's room.
- Check the student's residence hall room.
- Talk to the student's RA, suitemate, and unit mates to see if anyone can confirm the missing student's whereabouts and/or confirm the date, time, and location the student was last seen.
- Obtain a report of ID card use and residence hall access.
- Secure a current student ID or another photo of the student.
- Call and text the student's cell phone and call any other telephone numbers on record.
- Send the student an email.
- Check all possible locations mentioned by the parties above including, but not limited to, the library, residence hall lounges, Student Center, etc.
- Contact or call any other on-campus or off-campus friends or contacts that are made known. This could include checking a student's social networking sites such as Facebook, Twitter, etc.
- Ascertain the student's vehicle's make, model, and license plate number. Campus Safety will check Landmark College parking lots for the presence of the student's vehicle.

If the missing student is under the age of 18 years and not an emancipated individual, within 24 hours of the determination that the student is missing, the Vice President for Student Affairs must notify the student's custodial parent or guardian as identified in the College's records.

If the missing student is over the age of 18 years or an emancipated individual, within 24 hours of the determination that the student is missing, the Vice President for Student Affairs must notify the individuals found in the designated emergency contact information that is

maintained by the College. If the emergency contact information is absent or unusable, the appropriate law enforcement agency will be informed.

The Vice President for Student Affairs may ask the Information Technology staff to provide electronic logs for the purpose of determining the last login, access, and use of the Landmark College IT network.

Landmark officials will report the information to the local law enforcement agencies within 24 hours of the determination that the student is missing. If, in the course of gathering the information described above, foul play is evident or strongly indicated, local law enforcement may be contacted immediately. If it is necessary to contact local law enforcement, the College will follow their procedures for managing this type of incident.

Formal Disciplinary Procedures

Introduction

It is expected that all members of our community will conduct themselves responsibly in accordance with the policies and regulations outlined in this handbook. The College will address actions that are inconsistent with this community's ideals or prejudicial to the best interests of the College through the disciplinary process.

Landmark College reserves the right to impose disciplinary sanctions, up to and including expulsion, for violations of College policies or for the commission of illegal acts (on or off campus) or for any action it deems to be detrimental to the student's performance, or which would be harmful to the welfare of the College, which would disrupt the academic process of the College.

When the College becomes aware that criminal charges have been brought against a student by local, state, or federal authorities, the College reserves the right to suspend or expel that student from the College.

The College reserves the right to address all matters through its disciplinary process. Any disciplinary proceedings and resulting sanctions, either before or after the findings of a court of law, do not constitute double jeopardy. The principle of 'double jeopardy' or the principle of being tried twice for the same offense, does not apply to the College's disciplinary proceedings.

Landmark College's disciplinary system relies on the standard of proof of 'a preponderance of the evidence' or 'more likely than not'. This means that an administrative hearing or conduct board must believe that there is more than a 50% likelihood that the actions or behavior in question did occur.

The description of disciplinary procedures set forth below is not intended to require progressive discipline. Disciplinary intervention may begin at any level. There is no requirement that interventions follow the levels in sequence, or that all levels must be used in the process.

The determination of the appropriate discipline, including suspension or expulsion from the College, shall be at the discretion of the President of the College, Vice President of Student Affairs or their designees as appropriate. Each incident will be considered individually. The procedures set forth should not be considered to be a promise for specific treatment in specific situations.

The College may immediately suspend or dismiss a student who poses a continuing danger to

self, persons or property, or who poses an ongoing threat of disruption to the academic progress of the College prior to or subsequent to the disciplinary procedures described in this Handbook.

The President of the College has the ultimate decision-making authority in all matters relating to carrying out the College's policies, including matters relating to discipline and suspension or expulsion.

Goals of the Disciplinary Process

- Re-affirm community standards
- Align student behavior with standards
- Hold students accountable
- Assist in making future choices
- Consider the consequences in advance
- Determine, with the student, the reasons for misconduct.

Intervention Meetings

Difficulties experienced by a student in the classroom or in the residence hall may be addressed by a Faculty member, Academic Advisor, Resident Dean or a member of the Coordination & Consultation Team through formal or informal intervention meetings. Such intervention meetings typically occur when difficulties arise, such as inappropriate behavior and/or language, lack of attendance or academic engagement, or poor social decision-making.

The outcomes of an intervention between the student and the facilitator may range from verbal agreements to written mandatory structures meant to address the issues or behaviors being addressed. The facilitator of an intervention meeting may also recommend that a student be required to attend an Administrative Hearing.

Administrative Hearings

A student who is alleged to be involved in violations of College policy, in repeated violations of College policies after interventions have occurred, or who needs to be held more strictly accountable for behaviors agreed upon in previous interventions may be required to attend an Administrative Hearing.

Typically, an Administrative Hearing is convened and facilitated by the Dean of Campus Life, Dean of Students, or the Vice President for Student Affairs. Other staff and faculty with relevant information may be invited to attend Administrative Hearings.

Parents may not participate in Administrative hearings. Legal counsel may not appear as support persons in Administrative hearings unless the respondent is concurrently facing criminal prosecution for the conduct which is the subject of the College procedure. In that circumstance, the counsel may be present and advise the student or respondent but will not be allowed to directly address the College.

The outcomes of an Administrative Hearing may include (but not be limited to) an initial or amended articulation of support and intervention measures, including placing a student on sanctions such as Warning, Probation or Deferred Suspension from the College. The facilitator of an Administrative Hearing may also recommend that a College Conduct Board hearing be convened to address the issues presented.

In cases where a student is currently on Deferred Suspension and alleged to have violated another College policy, the Dean of Campus Life, Dean of Students, or the Vice President for Student Affairs may hold an administrative hearing to determine responsibility and enact the suspension.

College Conduct Board Hearings

A student who is charged with violating any College policy that may result in their suspension or expulsion from the College may be required to appear before a College Conduct Board. In addition, students who, in the opinion of the Vice President for Student Affairs, have failed to adequately implement previous interventions, or have failed to abide by previously imposed disciplinary sanctions, may be required to appear before a College Conduct Board.

A College Conduct Board is convened by the Vice President for Student Affairs or their designee. Members of the Board may include the Dean of Students, Student Affairs staff, and other members of the faculty, staff, or student community.

The charge of a Conduct Board is to determine if a violation of the College's policies or standards of conduct have occurred, and to recommend sanctions for students found in violation of these policies or standards to the Vice President for Student Affairs, who holds final approval of all Conduct Board recommendations.

At any appearance before a College Conduct Board hearing, a student responding to alleged violations of College policy may request a College official of the student's choice to be present as a support person and to help facilitate the student's understanding of the Conduct Board hearing process, and to assist the student in communicating their position. College officials acting in this advisory capacity do not take part in College Conduct Board hearing deliberations or decisions.

Parents, guardians and family members may not appear as support persons.

Legal counsel may not appear as support persons in Conduct Board hearings unless the respondent is concurrently facing criminal prosecution for the conduct which is the subject of the College procedure. In that circumstance, the counsel may be present and advise the student or respondent but will not be allowed to directly address the Board or to respond on the student's behalf.

Failure to cooperate in a College Conduct Board hearing may result in suspension.

The outcomes of a College Conduct Board hearing may include:

- the continuation, amendment and/or augmentation of existing interventions and sanctions,
- a decision to impose a disciplinary status and/or other sanctions,
- a decision to suspend or expel a student from the College on a deferred basis while imposing further sanctions,
- a decision to suspend or expel a student from the College.

The procedure and guidelines for Hearings convened to address alleged violations of the College's Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy are located under this specifically named policy elsewhere in this handbook.

Disposition Without A Conduct Board/Dean's Sanction

In academic or non-academic cases where the facts are not in dispute, and the student is prepared to accept responsibility for their actions, the College may offer the option of

Disposition Without Conduct Board, also called a Dean's Sanction.

The *Disposition Without Conduct Board* option is *not* akin to the plea bargain option in a United States court of law, whereby a lesser sanction is offered in exchange for an admission of guilt. Rather, the College would offer a sanction meant to approximate the kind of sanction that would be levied by the Conduct Board.

If the student agrees, the student signs a letter indicating their acceptance of responsibility, and acceptance of the sanction. This process replaces the disciplinary hearing. No appeal option is available for students who accept a Dean's Sanction. If the student initially inquires but eventually does not wish to accept this sanction, a Conduct Board hearing will take place.

A Dean's Sanction is not an available option after a hearing has taken place.

Appeals

A student who wishes to appeal the decision of an administrative hearing or Conduct Board may do so with the appropriate appeal officer (see below). Appeals must be submitted in writing to the appeal officer within three (3) business days of the initial decision.

Appeals will be considered only on the grounds that the evidence was insufficient to warrant the action taken by the College or the decision was inconsistent with existing College policy. The appeal officer will determine if the decision and sanctions will be upheld, reversed or modified. The appeal officer's decision on appeals is final.

Appeal Officers

If the hearing officer was:	Then the appeal officer is:
Resident Dean	Dean of Students/Dean of Campus Life
Dean of Students/Dean of Campus Life	Vice President for Student Affairs
Vice President for Student Affairs	President of the College
College Conduct Board	President of the College

Withdrawal Before a Hearing

If a student withdraws from the College before a hearing occurs, the charges will remain pending in the student's file. If a student requests re-enrollment at a future date, the College may require the completion of a separation from the College and educational/developmental sanctions similar to those if the student had been found responsible for the violation before the student can return or may require a hearing to be held. This is at the discretion of the Vice President for Student Affairs. Students may also return on a disciplinary sanction.

General Sanctions

In the formal intervention process, a range of sanctions may be imposed by the College. Depending on the behavior pattern or incident being addressed, a combination of administrative and educational sanctions may be issued.

When violations of College policy or any behavior where the College's Standards of Conduct are violated occur, the College will use the following criteria to determine the appropriate level of sanction.

1. The extent to which the behavior has affected the ability of other members of the community to pursue their own academic and personal goals.
2. The extent to which the behavior has affected the reputation of the College or the ability of the College to effectively pursue its mission.

3. The extent to which the safety or well-being of any individual has been placed in jeopardy.
4. The extent to which standards of civil behavior have been violated.
5. The extent to which the behavior has violated local, state or federal law.

Furthermore, while engagement in the academic program is not an explicit factor in the determination of a sanction, the College may consider the documented level of commitment the student has made to their academic program in making a final determination. Similarly, a student's honesty and cooperation with College staff throughout an incident may also be considered in a determination of final sanction.

Students who do not follow the structures and requirements of any sanctions issued by the College may be subject to further disciplinary action.

Administrative Sanctions

Notice: Notice is a level of sanction that expresses concern about a specific behavior, and the measure that the College and the student have taken to ensure that this behavior will not happen in the future. A letter of Notice also acts as a formal method to record patterns of behavior with students.

Warning: A Warning is intended to remind a student of the obligation that he/she accepts to adhere to the standards of conduct established by Landmark College and/or any other policy, procedure or rule.

Probation: Probation is an official notification that any further violations of the standards of conduct or any other college policy, procedure or rule may result in one's suspension or expulsion from the College.

Deferred Suspension: Under certain circumstances, a student may be suspended from the College and have said suspension placed in abeyance. This may be done with the agreement that no further violations of college policy or standard of conduct will occur. Should a student be responsible for additional policy violations, the original sanction of suspension from the College would take effect.

Suspension from the College: When suspended from the College, a student is not permitted to be on campus, enter any buildings or attend any classes for a specified period of time, generally not less than one semester. Suspension from the College is imposed when students violate a College policy that warrants their removal from campus. In addition, when a student is suspended from the College, he/she may be required to complete educational sanctions before they can request to reapply for admission to the College.

Expulsion: Under certain severe circumstances, a student may be required to leave campus and not be allowed to return. A student who is expelled from the College may not reapply for enrollment at any time in the future, and may not be present on campus grounds, or enter any buildings.

NOTE: A student who is suspended or expelled from the College is not eligible for a refund of their tuition, room charges, board charges or any other fees.

Alternative & Educational Sanctions

At the discretion of a hearing officer, a student may be assigned additional sanctions intended to support the educational dynamic of the intervention process. Possible alternative and educational sanctions are listed, but not limited to, the items below.

- **Community Service:** Under certain circumstances, students may be required to

complete a stated number of community service hours, special projects or educational programs.

- **Educational Programming:** Students may be required to attend and report on an educational program addressing a specific issue (i.e. drug & alcohol use, sexual respect, etc).
- **Change of Residency:** Re-assignment of an individual to a different room or residence hall.
- **Residential Restrictions:** The restriction for a student to enter a particular residential room, floor or building.
- **Loss of Privilege:** The revocation of specific privileges existing on campus.
- **Restitution:** Cost of repairs, replacements, and reimbursements to the College or community members.
- **Fines:** Assessments to students as a result of disciplinary action. The amount of a fine is at the discretion of the College.

Failure to Complete Sanctions

Students who fail to complete any alternative or educational sanctions will be subject to further disciplinary action by the College that may include an extension of the original sanctions, assessment of additional fines in lieu of community service, or a student's record being placed on hold status until the sanctions are complete and/or fines are paid.

Alcohol and Other Drugs Policy

Landmark College recognizes the problems associated with substance use and abuse and has a policy that addresses the following two areas:

- Students should be educated, informed, and at times, counseled in the areas of substance use and abuse, and supported when they choose to seek assistance regarding these issues.
- In order to help maintain a safe environment that is conducive to living and learning for all students, the College must hold students accountable for violations of the policy on the use of alcohol and other drugs.

Landmark provides a professionally trained counseling staff for students. Students with alcohol/drug-related problems are encouraged to seek the help of counselors on a voluntary basis to deal **confidentially** with those issues. (Counselors at Landmark College follow the rules and regulations of confidentiality as defined and required by law). Health Services and Counseling staff are experienced in working with issues of substance abuse and can assist the student directly as well as provide information about the off-campus assessment and/or treatment and a wide variety of support groups available in the local area.

While the College will hold students accountable for violations of the alcohol and other drug policies noted below, it is also committed to supporting any student who makes the responsible decision to address his or her substance use. Students should feel confident in knowing that Resident Deans, Advisors, Deans, Faculty, and Staff will support any student who is struggling to address his or her substance use. This support may include referrals to counseling, educational programming, or intervention plans on or off-campus to assist a student in meeting his or her goals.

The College will generally address behavior relating to drugs and alcohol outlined below.

Alcohol Policy

The College prohibits the possession, use, or distribution of alcohol on campus by students and employees. The College recognizes that alcohol is a legal substance for some students but believes that a living and learning community such as ours operates best when all students are held to the same standard regarding alcohol. Therefore, the College prohibits the possession, use, or distribution of alcohol by any member of the community in the normal course of daily activity.

Requests for exceptions to this policy for the service of alcohol or its use in any setting must be approved by the President of the College in consultation with the Vice President for Student Affairs. Exceptions will generally be reserved for formal functions sponsored by the College. It is expected that exceptions granted will be infrequent.

The following behaviors regarding alcohol will be met with disciplinary action by the College.

- Possession, use, or distribution of alcohol on campus (regardless of age)
- Providing alcohol to students of minority age (under 21 years old)
- Being under the influence of alcohol on campus, to any extent, as a minor (under 21 years old)
- Being under the influence of alcohol and the cause of disruption to the campus community or otherwise drawing attention to oneself (regardless of age).

Students found to be in violation of the alcohol policy may be met with sanctions including a disciplinary status ranging from Disciplinary Warning to Expulsion from the College. Other sanctions may include, but not be limited to fines, referral for prosecution, required completion of appropriate rehabilitation programs, community service, educational programs, or residential relocation.

The legal drinking age in Vermont is 21. In accordance with the laws of the State of Vermont, anyone under the age of 21 who purchases, possesses, or procures alcohol or misrepresents his or her age or alters a form of identification with the intent to purchase alcohol may upon conviction be fined, sentenced to jail, or both. Violators of these laws are subject to criminal prosecution, and to disciplinary action by Landmark College.

For those of legal drinking age who choose to consume alcohol off campus, the College encourages moderate, responsible use for the safety of self and others.

Alcohol Containers

Empty alcohol bottles, cans, bottle tops, and other containers are not allowed on campus, even for decorative purposes. The Resident Dean will confiscate containers, and students found in possession of the containers may be subject to disciplinary action.

Typical Sanctions for Alcohol Policy Violations

First Violation

- Disciplinary Warning to Probation
- Participation in an Alcohol Use Screening/Assessment
- \$75.00 fine
- 10 hours of community service
- Reflection Paper/Community Apology

Second Violation (while on sanctions for a previous violation)

- Disciplinary Probation to Suspension
- Participation in an Alcohol Use Screening/Assessment
- \$150.00 fine
- 20 hours of community service
- Reflection Paper/Community Apology
- Residential Relocation

Third Violation (while on sanctions for a previous violation)

- Deferred Suspension to Suspension
- Participation in an Alcohol Use Screening/Assessment (off-campus)
- \$250.00 fine
- 30 hours of community service
- Reflection Paper/Community Apology
- Residential Relocation

Amnesty for Medical Intervention

In situations of extreme intoxication or other medical emergencies as a result of excessive drinking or the ingestion of other drugs, the primary concern of the College is the health and safety of the individual(s) involved. Seeking medical assistance for oneself or a fellow student demonstrates responsible student behavior. In these situations, students are expected to call for assistance (e.g. Resident Assistant, Resident Dean, Campus Safety, 911, etc.) when concerned for their own health or welfare, or that of another student.

If an individual seeks such medical attention, the Vice President for Student Affairs Office will not pursue disciplinary sanctions against the student needing medical intervention (or those students who assist in obtaining medical attention) for violations of the Alcohol or Drug policy.

In lieu of typical disciplinary sanctions, students falling under consideration of this policy will be required to meet with a member of the Vice President for Student Affairs staff who may issue educational requirements including (but not limited to) alcohol & drug education, counseling, and/or a substance abuse assessment and family notification.

Serious or repeated incidents will prompt a higher degree of response. If a student received Medical Amnesty for a prior incident the availability of amnesty for a subsequent incident is at the discretion of the Vice President for Student Affairs or his/her designee.

This policy does not excuse or protect those who flagrantly violate the Student Code of Conduct and does not grant amnesty to possession with the intent to distribute drugs or other infractions that occur at the time of intoxication - including but not limited to physical or sexual assault, damage to property or other violent acts.

Landmark College expects students to abide by laws and College policies regarding alcohol possession and consumption and reminds students that the possession and use of alcohol and other illicit drugs on campus or the abuse of prescription medication are prohibited. For students who consume alcohol, they must understand that moderation minimizes the risk of alcohol poisoning and alcohol-related injuries.

Drug Policy

The College prohibits the possession, use, distribution, transportation, or being under the influence of illicit drugs on campus. If a student is found on campus with illegal drugs, that

student is liable for sanctions, ranging from probation to expulsion from the College. Other sanctions that may accompany disciplinary status include attending educational seminars, alcohol assessments, engaging in a substance-free contract or community service.

The following are considered to be evidence of drug policy violations and sufficient grounds for full disciplinary action:

1. The actual presence, use, distribution, or transportation of illicit drugs on campus.
2. The presence of smoke or odors, as in the case of marijuana.
3. Being under the influence of illicit drugs.
4. The actual presence, use, distribution, or transportation of drug analogs, or legal substances with psychoactive properties on campus.

Landmark fully supports the federal and state statutes prohibiting the possession, use, and distribution of illicit drugs on or off-campus. Violators of these laws are subject to criminal prosecution, and to disciplinary action by Landmark.

Prescription Drugs

Students who are found to be sharing, selling, or trading prescription medications on campus, or abusing or misusing their prescription medications on campus will be subject to sanctions ranging from Disciplinary Probation to suspension or expulsion from the College.

Drug Paraphernalia

Drug paraphernalia, regardless of intended use, is not allowed on campus. 'Hookahs' are considered to be drug paraphernalia. Even though a Hookah may be used for non-drug-related smoking of flavored tobacco, due to their frequent use in the smoking of other substances, the use of Hookahs anywhere on campus is prohibited.

When found, the Resident Deans and other college officials will confiscate the items, and students found to have drug paraphernalia will be subject to sanctions ranging from Disciplinary Probation to suspension or expulsion from the College.

Distribution of Drugs

Distribution of illicit substances, substances with psychoactive properties, and prescription medication is not limited to cash exchange. Any student, who provides, shares, jointly purchases, or otherwise makes available any illegal drug to others on or off-campus, in any amount, violates this policy.

Additionally, and in lieu of direct evidence of distribution, the College reserves the right to consider the possession of large quantities of drugs, the possession of scales, or drugs packaged in multiple quantities, as apparent distribution and a violation of this policy.

Driving Under the Influence of Alcohol or Other Illicit Drugs

5. The operation of a vehicle while under the influence of alcohol or other illicit substance poses a danger not only to the operator but to passengers and other members of the community. It is for this reason that students who are found by the College to be driving while impaired by alcohol or other drugs will be subject to disciplinary action ranging from Deferred Suspension to Expulsion from the College.

Typical Sanctions for drug policy violations; personal use of illicit substances & misuse of prescription medications.

First Violation:

- Disciplinary Probation to Suspension
- Participation in an Alcohol Use Screening/Assessment
- \$150.00 fine
- 25 hours of community service
- Reflection Paper/Community Apology
- Residential Relocation

Second Violation (while on sanctions for a previous violation):

- Deferred Suspension to Suspension
- Participation in an Alcohol Use Screening/Assessment
- \$250.00 fine
- 20 hours of community service
- Reflection Paper/Community Apology
- Residential Relocation

Third Violation:

- Suspension from the College

Drug & Alcohol Abuse Education Programs

In accordance with the Drug-Free Schools and Campuses Act passed by Congress, Landmark College provides enrolled students, faculty and staff with various pieces of information regarding the unlawful use of drugs or alcohol on College property, including legal sanctions, health risks, available assistance, and treatment avenues, as well as College-imposed disciplinary standards.

The full description of these programs can be found on the Student Handbook page of the College's website.

Annual Drug-Free Schools and Communities Act Notice

The Drug-Free Schools and Communities Act of 1989 requires that Landmark College annually notify all students, faculty, and staff of the following:

- Landmark's standards of conduct, which prohibit the unlawful possession, use, or distribution of illegal drugs and alcohol by students and employees on Landmark property or in connection with any activities or programs sponsored by Landmark.
- A description of Landmark's disciplinary sanctions that will be imposed on students and employees for the unlawful possession, use, or distribution of illegal drugs and alcohol, up to and including expulsion or termination of employment.
- A description of applicable legal sanctions under federal, state, and local law for the unlawful possession, use, or distribution of illegal drugs and alcohol.
- A description of the health risks associated with the use of illegal drugs and the abuse of alcohol.
- A description of any drug or alcohol counseling, treatment, rehabilitation, or re-entry programs that are available to employees or students.

The 2023-2024 Drug-Free Schools & Campuses Act Notification can be found on the College's [Community Standards page](https://www.landmark.edu/student-life/our-community-standards-page) ([https://www.landmark.edu/student-life/our-](https://www.landmark.edu/student-life/our-community-standards-page)

[community/community-standards](#)).

Biennial Drug-Free Schools and Communities Act Review

Under the Drug Free Schools and Communities Act and regulations Landmark College conducts a biennial review that;

6. determines the effectiveness of Landmark's AOD program and implements changes, if needed and
7. ensures consistent sanction enforcement for violations of Landmark's Alcohol and Other Drugs Policy.

The Biennial Review and accompanying materials are maintained in the Vice President for Student Affairs Office and can be found on the College's [Community Standards page](https://www.landmark.edu/student-life/our-community/community-standards) (<https://www.landmark.edu/student-life/our-community/community-standards>)

Sexual and Interpersonal Misconduct Policy

Notice of Nondiscrimination on the Basis of Sex

Landmark College (the College) does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admission and employment.

Inquiries about Title IX may be referred to the College's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both. The College's Title IX Coordinator is the Vice President for Student Affairs, Michael Luciani, 19 River Rd South, Putney, Vermont 05346, (802) 387-6713, mluciani@landmark.edu. The contact information for the Department of Education's Office for Civil Rights in Boston is Office for Civil Rights, US Department of Education, 9th Floor, 5 Post Office Square, Boston, MA 02109-3921, 617-289-0111

The College's nondiscrimination policy and grievance procedures can be located on the College's Community Standards | Landmark College website page (<https://www.landmark.edu/student-life/our-community/community-standards>) and within this policy.

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to the procedures within this policy.

Policy Statement

Title IX of the Educational Amendments of 1972 (Title IX) prohibits any person in the United States, on the basis of sex, from being excluded from participation in, denied the benefits of, or subjected to discrimination under any education program or activity receiving Federal financial assistance.

On April 29, 2024, the U.S. Department of Education issued a Final Rule under Title IX that is reflected in the following policies and procedures. The full text of the Title IX Final Rule and its extensive Preamble (34 CFR Part 106) is available here:

<https://www.federalregister.gov/documents/2024/04/29/2024-07915/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal>.

This policy and the procedures outlined below apply exclusively to reported conduct that falls within the scope of the policy on or after August 1, 2024, and supersedes any other

previously-published College policies on issues related to sex discrimination and sex-based harassment (sexual harassment, sexual assault, domestic violence, dating violence, or stalking).

Further, to the extent that this policy and its procedures provide for the handling of allegations that fall within the definition of Title IX Sex Discrimination, 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.

In Sex Discrimination and Sex-Based Harassment cases defined below that involve allegations that a student engaged in Prohibited Conduct, the policy language and procedures for both categories of cases outlined below will apply.

In Sex Discrimination and Sex-Based Harassment cases as defined below that involve allegations that a College employee engaged in Title IX Sex Discrimination, the policy language and procedures for Title IX Sex Discrimination cases outlined below will apply, in accordance with applicable law.

Allegations that a College employee engaged in discrimination or harassment that do not fall within this policy will be addressed through 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 Prohibited Conduct at Landmark College, please see the sections below on Complaint Procedures.

Application of this Policy

This policy applies to Landmark College and to all sex discrimination occurring under the College's education program or activity in the United States.

Conduct that occurs under the College's education program or activity includes, but is not limited to:

- The physical campus in Putney, Vermont;
- The Landmark College Success Center in San Mateo, CA;
- Those engaging in coursework/the College Community online;
- Conduct that occurs in a building owned or controlled by a student organization that is officially recognized by a postsecondary institution; and
- Conduct that is subject to the College's disciplinary authority. The Landmark College Code of Conduct for students reserves the right to impose disciplinary sanctions, up to and including expulsion, for violations of College policies or for the commission of illegal acts on or off campus or for any action it deems to be detrimental to the student's performance, or which would be harmful to the welfare of the College, which would disrupt the academic process of the College.

The College has an obligation to address a sex-based hostile environment under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside of the College's education program or activity or outside the United States.

Effective Date

The effective date of this Policy is August 1, 2024, and will only apply to sex discrimination and/or sex-based harassment that allegedly occurred on or after August 1, 2024. Sex discrimination and/or sex-based harassment that allegedly occurred prior to August 1, 2024,

will be addressed under the appropriate Title IX policy or non-discrimination policy effective at the time of the alleged conduct that can be found on the College's [Community Standards | Landmark College](https://www.landmark.edu/student-life/our-community/community-standards) website page (<https://www.landmark.edu/student-life/our-community/community-standards>). This delineation of applicable policies and procedures will apply regardless of when the alleged incident is reported.

Disability Accommodations

This policy does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator for student matters, or Human Resources (for employee matters) at any point before or during the Process that do not fundamentally alter the Process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other College programs and activities.

Revocation by Operation of Law

Should any portion of the Title IX Final Rule (April 29, 2024), be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified not to require the elements of this policy, then this policy, or the invalidated elements of this policy, will be deemed revoked as of the publication date of the applicable court order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by the effective date of such court order. Should the policy be revoked in this manner, any conduct covered under the policy shall be investigated and adjudicated under Landmark College's existing Codes of Conduct and/or its comparable policy adopted effective August 14, 2020, as appropriate.

Use of External Professionals

The College reserves the right to contract outside experienced professionals, as necessary, to serve in any role necessary to implement the Policy and Process, including but not limited to investigators, decision makers, hearing board members or chairs, appellate decision makers, advisors, informal resolution facilitators, or support persons.

Title IX Coordinator

The Vice President for Student Affairs is the designated Title IX Coordinator for the College and is responsible for coordinating the College's efforts to comply with its responsibilities under Title IX, including responding to reports of sex discrimination, monitoring for barriers to reporting, and overseeing training requirements.

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

Michael Luciani, Vice President for Student Affairs
Landmark College
19 River Rd South
Putney, Vermont 05346
(802) 387-6713 mluciani@landmark.edu

The Title IX Coordinator is available to meet with students and employees as needed.

As appropriate, the College may delegate or permit the Title IX Coordinator to delegate specific duties to one or more designees. References throughout this policy to the Title IX Coordinator should be read as also including designees of the Title IX Coordinator.

General Definitions

The definitions of sexual assault, domestic violence, dating violence 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 the April 29, 2024 Title IX regulations.

In its primary prevention and awareness programs for incoming students and new employees, and its ongoing prevention and awareness programs for students and employees, Landmark College includes the definitions of sexual assault, the definition of consent in reference to sexual activity, and the definitions of domestic violence, dating violence and stalking that are used by Vermont criminal laws.

However, the College utilizes its own definitions of these prohibited behaviors for purposes of this policy that are consistent with the Clery Act, as amended effective 2014 and the April 29, 2024 Title IX regulations, and determines responsibility for violations of College policy through its own procedures and standards of proof (that is, by a preponderance of the evidence standard), not through the procedures or standards of proof employed in the criminal justice system.

Complainant: For the purposes of this policy, “complainant” means (1) A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or (2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the College’s education program or activity at the time of the alleged sex discrimination.

Respondent - A person who is alleged to have violated the College’s prohibition on sex discrimination.

Party - A complainant or respondent.

Complaint: means an oral or written request to the College that objectively can be understood as a request for the College to investigate and make a determination about alleged discrimination under Title IX or its regulations.

Confidential employee: Either (1) an employee of the College whose communications are privileged or confidential under Federal or State law. The employee’s confidential status, for purposes of this definition, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or (2) An employee of the College whom the College has designated as confidential for the purpose of providing services to persons related to sex discrimination. If the employee also has a duty not associated with providing those services, the employee’s confidential status is only with respect to information received about sex discrimination in connection with providing those services; or (3) An employee of a postsecondary institution who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination—but the employee’s confidential status is only with respect to information received while conducting the study.

Consent - For purposes of the College’s Sexual and Interpersonal Misconduct Policy, and in Vermont law, consent is defined as follows:

“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:

- is incapable of understanding the nature of the conduct at issue;
- is physically incapable of resisting, declining participation in, or communicating unwillingness to engage in the conduct at issue; or
- lacks the mental ability to make or communicate a decision about whether to engage in the conduct at issue.

A person may be incapable of consenting due to the effects of alcohol, drugs or other intoxicants, or due to a physical, mental or other condition.

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

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

Disciplinary sanctions - consequences imposed on a respondent following a determination under Title IX that the Respondent violated the College's prohibition on sex discrimination.

Incapacitation: Incapacitation is a state beyond drunkenness or intoxication. Incapacitation is a state of intoxication or impairment that is so severe that it interferes with an individual's capacity to make informed and knowing decisions. Incapacitation means that a person lacks the ability to voluntarily consent to sexual activity because the person is asleep, unconscious, under the influence of a substance such that the person does not have control over their body, is otherwise unaware that sexual activity is occurring, or is unable to appreciate the nature and quality of the activity. In evaluating whether a party obtained consent for sexual

activity in cases involving incapacitation, the College will consider the totality of the circumstances to determine: (1) did the respondent know the complainant was incapacitated; or, if not, (2) would a sober, reasonable person in a similar set of circumstances as the respondent have known that complainant was incapacitated?

Pregnancy or related conditions – Defined in this policy as (1) Pregnancy, childbirth, termination of pregnancy, or lactation; (2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Relevant – Determined to be related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

Remedies - Measures provided, as appropriate, to a complainant or any other person the College identifies as having had their equal access to the College's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the College's education program or activity after the College determines that sex discrimination occurred.

Reporting Party - A student or employee who reports having experienced an incident of sexual misconduct to the College.

Retaliation - Intimidation, threats, coercion, or discrimination against any person by the College, a student, or an employee or other person authorized by the College to provide aid, benefit, or service under the College's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations. Peer retaliation prohibited by this policy means retaliation by a student against another student.

Sex Discrimination - Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Sex-Based Harassment is a form of sex discrimination (see above) and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity that is: (1) Quid pro quo harassment; (2) Hostile environment harassment; (3) Sexual assault; (4) Domestic violence; (5) Dating violence; or (6) Stalking, as defined further below.

Students - All persons who have gained admission to the College, both full-time and part-time. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the College are considered students.

Supportive measures - Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to: (1) Restore or preserve that party's access to the College's education program or activity, including measures that are designed to protect the safety of the parties or the College's educational environment; or Provide support during the College's grievance procedures or during an informal resolution process. See more details about supportive measures later in

this policy. Supportive measures are available before or after the making of a complaint or where no complaint has been made.

Pregnancy and Related Conditions

Based on the 2024 Final Rule, The College must not discriminate in its education program or activity against any student based on the student's current, potential, or past pregnancy or related conditions. The College does not engage in prohibited discrimination when it allows a student, based on pregnancy or related conditions, to voluntarily participate in a separate portion of its education program or activity, provided the College ensures that the separate portion is comparable to that offered to students who are not pregnant and do not have related conditions.

Pregnancy or related conditions are defined in this policy as:

1. Pregnancy, childbirth, termination of pregnancy, or lactation;
2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Responsibilities to Students

When any employee learns of a student's pregnancy or related condition from a student or other person who has a legal right to act on behalf of the student, the employee must:

1. Provide the student or other person with the contact information of the Title IX Coordinator; and
2. Inform the student or other person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access.

After receiving notice, the Title IX Coordinator must take specific actions under Title IX and its regulations to promptly and effectively prevent sex discrimination and ensure equal access to the recipient's education program or activity once the student, or a person who has a legal right to act on behalf of the student, notifies the Title IX Coordinator of the student's pregnancy or related conditions. These actions include:

Responsibility to provide information about the College's obligations.

The College must inform the student, and if applicable, the person who notified the Title IX Coordinator of the student's pregnancy or related conditions and has a legal right to act on behalf of the student, of the College's Notice of Nondiscrimination and obligations under Title IX (see below).

Reasonable modifications

The College must provide reasonable modifications to the College's policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access to the College's education program or activity. Each reasonable modification must be based on the student's individualized needs. In determining what modifications are required under this paragraph, the College must consult with the student. A modification that the College can demonstrate would fundamentally alter the nature of its education program or activity is not a reasonable modification. The student has the discretion to accept or decline each reasonable modification offered by the College. If a student accepts the College's offered reasonable modifications, the College must implement them. Reasonable modifications may include, but are not limited to:

1. Breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom;
2. Intermittent absences to attend medical appointments;
3. Access to online or homebound education;
4. Changes in schedule or course sequence;
5. Extensions of time for coursework and rescheduling of tests and examinations;
6. Allowing a student to sit or stand, or carry or keep water nearby;
7. Counseling;
8. Changes in physical space or supplies (for example, access to a larger desk or a footrest);
9. Elevator access;
10. Or other changes to policies, practices, or procedures.

Voluntary access to separate and comparable portions of the program or activity.

The College must allow the student to voluntarily access any separate and comparable portion of the College's education program or activity.

Voluntary leaves of absence

The College must allow the student to voluntarily take a leave of absence from the College's education program or activity to cover, at minimum, the period of time deemed medically necessary by the student's licensed healthcare provider.

- To the extent that a student qualifies for leave under a leave policy maintained by the College that allows a greater period of time than the medically necessary period, the recipient must permit the student to take voluntary leave under that policy instead if the student so chooses.
- When the student returns to the College's education program or activity, the student must be reinstated to the academic status and, as practicable, to the extracurricular status that the student held when the voluntary leave began.

Lactation space

The College must ensure that the student can access a lactation space, which must be a space other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed. Lactation spaces must be accessible to students and employees (they can be in separate locations).

Limitation on supporting documentation

The College must not require supporting documentation to support the modifications above unless the documentation is necessary and reasonable for the College to determine the reasonable modifications to make or whether to take additional specific actions. Examples of situations when requiring supporting documentation is not necessary and reasonable include, but are not limited to;

- when the student's need for a specific action is obvious, such as, for example, when a student who is pregnant and who uses a uniform needs a bigger uniform;
- when the student has previously provided the College with sufficient supporting documentation;

- when the reasonable modification because of pregnancy or related conditions at issue is allowing a student to carry or keep water nearby and drink, use a bigger desk, sit or stand, or take breaks to eat, drink, or use the restroom;
- when the student has lactation needs; or
- when the specific actions above are available to students for reasons other than pregnancy or related conditions without submitting supporting documentation.

Comparable treatment to other temporary medical conditions

The College must treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions with respect to any medical or hospital benefit, service, plan, or policy the College administers, operates, offers, or participates in with respect to students admitted to the College's education program or activity.

Certification to participate

The College must not require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person that the student is physically able to participate in the recipient's class, program, or extracurricular activity unless:

- The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity;
- The recipient requires such certification of all students participating in the class, program, or extracurricular activity; and
- The information obtained is not used as a basis for discrimination prohibited by this part.

Responsibilities to Employees

In addition to the 2024 Final Rule for Title IX, the federal government has released regulations under the *Pregnant Workers Fairness Act (PWFA)* and the *Providing Urgent Material Protections (PUMP) Act*. These regulations provide similar rights to employees. The requirements under these regulations for employees are combined below:

The College must not adopt or implement any policy, practice, or procedure or take any employment action on the basis of sex:

- Concerning the current, potential, or past parental, family, or marital status of an employee or applicant for employment, which treats persons differently; or
- That is based upon whether an employee or applicant for employment is the head of household or principal wage earner in such employee's or applicant's family unit.

Pregnancy or related conditions

The College must not discriminate against any employee or applicant for employment on the basis of current, potential, or past pregnancy or related conditions.

Comparable treatment to other temporary medical conditions

The College must treat pregnancy or related conditions as any other temporary medical conditions for all job-related purposes, including: (1) commencement, duration and extensions of leave; (2) payment of disability income; (3) accrual of seniority and any other benefit or service; and (4) reinstatement; and (5) under any fringe benefit offered to employees by virtue of employment.

Voluntary leaves of absence

In the case of a recipient that does not maintain a leave policy for its employees, or in the case of an employee with insufficient leave or accrued employment time to qualify for leave under such a policy, The College must treat pregnancy or related conditions as a justification for a voluntary leave of absence without pay for a reasonable period of time, at the conclusion of which the employee shall be reinstated to the status held when the leave began or to a comparable position, without decrease in rate of compensation or loss of promotional opportunities, or any other right or privilege of employment.

Lactation time and space

The College must (1) provide reasonable break time for an employee to express breast milk or breastfeed as needed for up to one year after the child's birth; and (2) ensure that an employee can access a lactation space, which must be a space other than a bathroom that is clean, shielded from view, free from intrusion from others, and may be used by an employee for expressing breast milk or breastfeeding as needed. Lactation spaces must be accessible to students and employees (they can be in separate locations).

Documentation cannot be required in the provision of these modifications.

Pregnant Worker's Fairness Act

The College must accommodate qualified applicants or employees with known limitations (pregnancy, childbirth, or related medical conditions e.g. breastfeeding, miscarriage, abortion, and (in)fertility treatments). Reasonable accommodations include suspending essential job function(s) if: (1) they are temporary; (2) essential job function(s) can be performed in the near future; (3) inability to perform the essential functions can be reasonably accommodated. Reasonable accommodations are not required if it would cause an undue hardship to the College.

The employer is not required to obtain medical documentation, but documentation can be requested when reasonable under the circumstances. Documentation requirements must be the minimum sufficient to confirm the limitation and needed modification.

The College cannot ask for supporting documentation when the limitation is obvious or when the request is for the following accommodation(s): (1) carrying water and drinking, as needed; (2) taking additional restroom breaks; (3) sitting or standing (4) breaks, as needed, to eat and drink. Instead, the employee's self-confirmation of their need for the reasonable accommodation(s) is sufficient.

Prohibited Conduct Under this Policy

Conduct that is the subject of this Policy (Sex Discrimination and Sex-Based Harassment) is prohibited. Prohibited conduct includes any conduct that satisfies one or more of the following:

Sex Discrimination

Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Sex-Based Harassment

Sex-based harassment is a form of sex discrimination and means, with one exception,¹ sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, and includes:

- **Quid pro quo harassment** - An employee, agent, or other person authorized by the College to provide an aid, benefit, or service under the College’s education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct;
- **Hostile environment harassment** - Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the College’s education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - a. The degree to which the conduct affected the complainant’s ability to access the College’s education program or activity;
 - b. The type, frequency, and duration of the conduct;
 - c. The parties’ ages, roles within the College’s education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - d. The location of the conduct and the context in which the conduct occurred; and
 - e. Other sex-based harassment in the College’s education program or activity
- **Sexual assault** - meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, which includes:
 - a. 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

¹ The exception is that, under applicable provisions of Vermont law, a different standard for prohibited hostile environment harassment applies in the specific context of an employee complainant who is working in a Landmark College program or activity in Vermont. Under this standard: to “harass” means to engage in unwelcome conduct based on an employee complainant’s protected characteristic(s) that interferes with the employee’s work or creates a work environment that is intimidating, hostile or offensive. In determining whether conduct constitutes harassment: (A) The determination will be made on the basis of the information gathered in an investigation as a whole, according to the totality of the circumstances, and a single incident may constitute unlawful harassment; (B) Incidents that may be harassment will be considered in the aggregate with varying types of conduct and conduct based on multiple characteristics viewed in totality rather than in isolation; (C) Conduct may constitute harassment, regardless of whether: (i) the complaining employee is the individual being harassed; (ii) the complaining employee acquiesced or otherwise submitted to or participated in the conduct; (iii) the conduct is also experienced by others outside the protected class involved in the conduct; (iv) the complaining employee was able to continue carrying out the employee’s job duties and responsibilities despite the conduct; (v) the conduct resulted in a physical or psychological injury; or (vi) the conduct occurred outside the workplace. Harassment need not be severe or pervasive to constitute prohibited harassment under this standard, but behavior that a reasonable employee with the same protected characteristic(s) would consider to be a petty slight or trivial inconvenience will not constitute harassment in violation of this Policy.

- giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity;
- b. Oral or anal sexual intercourse with another person, without the consent of that person, including instances where the person is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity;
 - c. To use an object or instrument 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 his/her age or because of his/her temporary or permanent mental or physical incapacity;
 - d. Fondling, that is, the touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity; for purposes of this definition, "private body parts" means breasts, buttocks, groin and genitals, including over clothing;
 - e. Incest, that is, nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law in the jurisdiction where the conduct occurred; and
 - f. Statutory Rape, that is, nonforcible sexual intercourse with a person who is under the statutory age of consent in the jurisdiction where the conduct occurred.
- **Dating violence** – violence committed by a person: (A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) Where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) The parties' statements; (2) The length of the relationship; (3) The type of relationship; and (4) The frequency of interaction between the persons involved in the relationship;
 - **Domestic violence** - felony or misdemeanor crimes committed by a person who: (A) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction where the conduct occurred, or a person similarly situated to a spouse of the victim; (B) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (C) Shares a child in common with the victim; or (D) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction where the conduct occurred.
 - **Stalking** - engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) Fear for the person's safety or the safety of others; or (B) Suffer substantial emotional distress.

For the purposes of this definition:

- a. Course of conduct means two or more acts, including, but not limited to, acts in which the respondent 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 complainant.

- c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- **Non-Sex-Based Stalking**, meaning stalking as defined immediately above that is directed at a specific person, but not on the basis of sex.
- **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:
 - video recording or photographing of sexual acts or nudity of another member of the College community without the consent of a person involved;
 - transmitting such video recordings or photographs without the consent of the person involved;
 - viewing or allowing or aiding others to view another person's sexual activity, intimate body parts, or nudity without the person's consent; and
 - sexual exhibitionism or exposure of one's genitalia in the presence of others without their consent.
- **Retaliation** means intimidation, threats, coercion, or discrimination against any person by the College or any individual, for the purpose of interfering with any right or privilege secured by this policy, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and/or the voluntary informal resolution processes described in this Policy; provided, however, that if the College decides to require an employee or other person authorized to provide aid, benefit, or service under the College's education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding or hearing under this policy, that will not constitute retaliation. Retaliation also includes retaliation by a respondent or respondents against a peer (i.e., student-student or employee-employee retaliation). Retaliation is strictly prohibited. Complaints of retaliation will be addressed through the procedures provided 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 College's Student Code of Conduct that would not constitute sex discrimination or sex-based harassment covered by this policy, the College may, at its discretion, choose to investigate and resolve such other potential Student Code of Conduct violations through an investigation under the procedures set forth in this policy, rather than the procedures set forth in the Student Code of Conduct.

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 Landmark College's expectations for an 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.

Amnesty

The College's primary goals when responding to complaints of Prohibited Conduct such as sex discrimination and sex-based harassment matters involving students is to promote

safety, and to address Prohibited Conduct and prevent it from recurring.

The College encourages the reporting of potential violations of the Title IX Policy.

Sometimes, parties or witnesses are hesitant to report to College officials or participate in the process because they fear that they themselves may be in violation of certain policies (e.g., underage drinking or use of illicit drugs at the time of the incident).

To encourage reporting and full participation in the process, the College maintains a policy of offering students amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident that is the subject of the report or matter being investigated.

A student who reports Prohibited Conduct or participates in a process under this policy, either as a complainant, respondent, or a third-party witness, will not be subject to disciplinary action by the College for ancillary violations of College policy (not including this Policy) at or near the time of the incident) provided that any such violations did not place the health or safety of another person at risk. The College may, however, initiate an educational discussion or pursue other educational remedies with the student regarding alcohol or other drugs. This policy will not be construed to limit counter-complaints made in good faith or to prohibit action as to a report made in good faith.

Questions about the amnesty policy and its application can be directed to the Title IX Coordinator.

Obligation to Provide Truthful Information

All individuals are expected to provide truthful information when participating in any aspect of this policy or the related process.

Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a determination of a policy violation.

Additionally, witnesses and parties who knowingly provide false evidence, tamper with or destroy evidence, or deliberately mislead an official conducting an investigation or resolution process can be subject to discipline under appropriate College policies.

Training

The Title IX Coordinator (and designees), investigators, decisionmakers, and other persons who are responsible for implementing the recipient's grievance procedures or have the authority to modify or terminate supportive measures, and facilitators of the informal resolution process receive training related to their duties under Title IX promptly upon hiring or change of position that alters their duties under Title IX and annually thereafter.

All employees are trained promptly upon hiring and annually thereafter on (1) The College's obligation to address sex discrimination in its education program or activity, (2) the scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment, and (3) all applicable notification and information requirements.

Confidentiality

The College understands that individuals who have concerns about Prohibited Conduct may look for assurances of confidentiality.

The 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 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.

Professional Counselors and Health Services Professionals as Confidential Resources

At Landmark College, the professional counselors and health services staff respect and protect confidential communications with clients to the extent that they are able to do so under applicable law. This means that in most cases, these confidential resources will not inform anyone of such communications without a client’s consent, and the College will not endeavor to take any action in response to such communications. 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.

If an individual discloses information to a College-employed Confidential Resource within the scope of their roles as such about conduct that reasonably may constitute Prohibited Conduct, such employees will and must explain to the person:

- The employee’s status as confidential for purposes of this Policy, and that they will not report personally-identifiable information about conduct that reasonably may constitute Prohibited Conduct to the Title IX Coordinator without the individual’s permission;
- How to contact the Title IX Coordinator and how to make a complaint of Prohibited Conduct; and
- That the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an informal resolution process or an investigation under this Policy.

In accordance with May 2024 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 Landmark community. If an individual who makes a report insists that his or her name or other identifiable information not be revealed and the College is able to respect that request, the College’s ability to respond fully to the reported behavior may be limited.

The College will protect the confidentiality of individuals allegedly subjected to 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 Sex Discrimination and Sex-Based Harassment

The level of confidentiality that can be provided by confidential on-campus resources, and the obligations of non-confidential employees, who are respectful and discreet but not necessarily confidential, are described immediately above. College and community resources, (both confidential and law enforcement), are identified immediately below.

Confidential On-Campus Resources

Meg Spicer, Counselor & Sexual Respect Coordinator	(802) 387-6739
Jeff Huyett, Director of Health Services	(802) 387-6753
Dawn Prouty, Staff Nurse	(802) 387-6302
Counseling Services	(802) 387-1636

Respectful, Discreet But Not Necessarily Confidential On-Campus Resources

Resident Deans	
Resident Assistants	
Academic Advisors	
Campus Safety	(802) 387-6899
Michael Giannetto, Director of Campus Safety	(802) 387-1689
Scott Ansevin-Allen, Assistant Dean of Campus Life	(802) 387-6411
Craig Marcus, Dean of Students	(802) 387-6362
Michael Luciani, Vice President for Student Affairs	(802) 387-6713

Off-Campus Community Resources

Women's Freedom Center	24-hour Hotline: (802) 254-6954
advocates@womensfreedomcenter.net	Business line: (802)-257-7364

Windham County Victim Advocate	(802) 257-2860
Brattleboro Memorial Hospital ER	(802) 257-8222
Brattleboro Health Center	(802) 258-3905
Windham County Sheriff	(802) 365-4949
Vermont State Police	(802) 722-4600

Reporting and Initial Considerations Regarding Sex Discrimination and Sex-Based Harassment

The reporting opportunities and initial considerations outlined below apply to concerns about and complaints of Prohibited Conduct, 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.

Mandatory Reporting Requirements of Non-Confidential Employees

All College employees who are not designated as a Confidential Resource (see above) are required to notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX and its regulations. Employees may submit their report by sending an email to the Title IX Coordinator or completing the appropriate report on the Sharknet ([Incident Reporting](#)).

The College encourages all Community members to take action to prevent or stop an act of Prohibited Conduct, including direct intervention when safe to do so, requesting the assistance of friends or individuals of authority, contacting law enforcement, and/or reporting the incident to campus officials.

For employees who are obligated to report, the failure to report allegations of sex discrimination may result in disciplinary action up to and including termination of employment.

Making a Report

Any student, employee or other member of the College community who has experienced or witnessed Prohibited Conduct under this policy, including any form of sex discrimination, is encouraged to make a report to law enforcement and/or to any employee at the College. An employee who receives such a report is obligated to share this information with the Title IX Coordinator to ensure the affected party receives notification of available College resources and resolution options.

The College recognizes that not every individual is prepared to move forward with a resolution process under this policy. Supportive measures are available for those who are seeking assistance but do not necessarily wish to make a report to the College.

Initial Communication with a Complainant

If a report alleges conduct that would, if proved, constitute Prohibited Conduct, the Title IX Coordinator will, within five (5) business days:

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

Explanation of Rights and Options

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. This written explanation will include, but not be limited to:

1. How and to whom the alleged offense should be reported.
2. Importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protective order.
3. Options about the involvement of law enforcement and campus authorities; to be assisted by campus authorities in notifying law enforcement authorities if a respondent so chooses. A complainant may also choose not to notify such authorities.
4. Where applicable, the rights of a complainant and the institution's responsibilities for orders of protection, "no-contact" orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court, or by the institution.
5. Options and assistance in the area of requesting alternative academic, transportation, working and/or living situations and other protective measures that are reasonably available, even if a complainant chooses not to file a formal complaint.
6. The institution's procedures for disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.

Contacting Law Enforcement and Orders of Protection

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

The Office of the Vice President for Student Affairs (Title IX Coordinator), Office of Campus Safety, the Office of the Dean of Students, Human Resources Office and Counseling /Health Services Office will offer to, and will upon request, assist students or employees in contacting law enforcement agencies. 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, and can issue no-trespass notices as it deems appropriate. The College will inform complainants of their options in this regard.

Medical Care

Whether or not you decide to pursue criminal charges or a complaint at the College, you are encouraged to immediately seek any necessary medical care after an incident of 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 personnel about how to best preserve evidence.

In cases that have involved sexual contact, a forensic examination by a Sexual Assault Nurse Examiner (“SANE”) is the best way to preserve potentially valuable evidence. S.A.N.E. examinations are available at local hospitals. The College will assist an individual who would like to be transported to the Brattleboro Memorial Hospital 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.

You should also endeavor to preserve other evidence that may be relevant to a case of Prohibited Conduct, such as text messages, email messages, other electronically stored information, and other physical evidence. If you have questions about how to do this, you should consult with College officials.

Preserving any and all evidence may be important in any process that seeks to determine if an offense occurred and in the process of obtaining an order of protection.

Supportive Measures

It is not necessary to file a complaint, participate in an adjudication process, or file a criminal complaint in order to request supportive measures from the College. Supportive measures are defined for purposes of this policy as individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- Restore or preserve that party’s access to the College’s education program or activity, including measures that are designed to protect the safety of the parties or the College’s educational environment; or
- Provide support during the College’s investigative resolution process or voluntary informal resolution process.

Supportive measures may vary depending on what the College deems to be reasonably available and 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 Student Accessibility Services, if the complainant or respondent 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;
- voluntary 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;
- referral to resources that can assist in obtaining an order of protection and restraining orders under New Hampshire law;
- referral to resources which can assist with financial aid, visa, or immigration concerns;
- other changes in class, work, housing or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative;
- no trespass notices prohibiting the presence of an individual on College property; and
- other similar measures.

The College, as appropriate, may modify or terminate supportive measures at the conclusion of the grievance procedures or at the conclusion of the informal resolution process, or the College may continue them beyond that point.

The College will provide a complainant or respondent with a timely opportunity to seek, from an appropriate and impartial employee, modification or reversal of the College's decision to provide, deny, modify, or terminate supportive measures applicable to them. The College will also provide a party with the opportunity to seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.

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 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.

Requests for supportive measures and/or modifications to supportive measures should be directed to the Title IX Coordinator. The Title IX Coordinator will evaluate and respond to requests after consulting, as needed, with other campus personnel whose cooperation may be necessary or helpful in evaluating or providing requested measures. The Title IX Coordinator is ultimately responsible for coordinating the effective implementation of supportive measures.

Emergency Removal and Administrative Leave

Emergency Removal of Students or Employees

Where there is an imminent and serious threat to the health or safety of any person arising from the allegations of Prohibited Conduct, the College can remove a student or employee respondent from its education program or activity on an emergency basis, and issue any necessary related no-trespass and no-contact orders. The Title IX Coordinator will make such a removal decision based on an individualized safety and risk analysis, in consultation as deemed necessary with other College personnel, departments, and/or teams. 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. Such challenges will be reviewed and decided by a College official, appointed by the College's President or designee, who was not involved in making the emergency removal decision. The student respondent should initiate the challenge by providing to the appointed College official a written statement that outlines the bases on which they challenge the decision.

Administrative Leave for Employees

The College always maintains the discretion to place employee respondents, including student-employee respondents, on paid or unpaid administrative leave from employment responsibilities during the pendency of an investigation and/or resolution process.

Use of Advisors

The College will permit the participation of advisors and support persons for parties throughout the resolution process; any restrictions on advisor participation will be equally applied.

Advisor of Choice

Complainants or respondents in this process may be accompanied by an advisor of choice to any meeting or hearing to which they are required or are eligible to attend. The advisor of choice is not an advocate and shall not participate directly in the process as per standard policy and practice of the College. The College may adopt further guidance regarding the appropriate participation of advisors.

The College will not intentionally schedule meetings or hearings on dates where the advisors of choice for the complainant or respondent is not available, provided that the advisors act reasonably in providing available dates and work collegially to find dates and times that meet all schedules.

The College's obligations to investigate and adjudicate in a prompt timeframe under Title IX and other College policies apply to matters governed under this policy, and the College

cannot agree to extensive delays solely to accommodate the schedule of an advisor of choice. The determination of what is reasonable shall be made by the Title IX Coordinator.

An Advisor of Choice must be declared by a complainant or respondent in writing, accompanied by an active email address, phone number, and mailing address, to the Title IX Coordinator prior to any involvement by the advisor. Choosing an advisor who is also a witness in the process creates potential for bias and conflict-of-interest.

Complaints of Prohibited Conduct

A student or employee may make a complaint of Prohibited Conduct by a student, an employee or a covered third party by contacting the Title IX Coordinator (or in the case of a complaint against the Title IX Coordinator, by contacting the President of the College, who will designate an alternate contact person). A student or employee may alternatively make a 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 complaint under these procedures means an oral or written request to the College that objectively can be understood as a request for the College to investigate and make a determination about alleged Prohibited Conduct.

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 Coordinator immediately. If their concern is about the Title IX Coordinator, the party should contact the President of the College.

Grievance Procedures for Complaints of Prohibited Conduct That Do Not Involve Sex-Based Harassment and a Student Party

The College has adopted the following grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, that do not involve sex-based harassment and a student party.

Complaints

The following people have a right to make a complaint of Prohibited Conduct requesting that

the College investigate and make a determination about alleged discrimination under Title IX:

- A “complainant,” which includes:
 - a student or employee of the College who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - a person other than a student or employee of the College who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the College’s education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- The College’s Title IX Coordinator. Note that a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of the 2024 Title IX regulations.

The College may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Title IX Coordinator Initiated Complaints

In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the College’s Title IX Coordinator may initiate a complaint of sex discrimination that complies with the grievance procedures after considering, at a minimum, the following factors:

- The complainant’s request not to proceed with initiation of a complaint;
- The complainant’s reasonable safety concerns regarding the initiation of a complaint;
- The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
- The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- The age and relationship of the parties, including whether the respondent is an employee of the College;
- The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- Whether the College could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

Basic Requirements of Grievance Procedures for Complaints of Prohibited Conduct That Do Not Involve Sex-Based Harassment and a Student Party:

- The College will treat complainants and respondents equitably.
- The College requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.
- The College presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

The College has established the following timeframes that will ordinarily be used for the major stages of the grievance procedures unless the College determines there is reasonable and good cause to extend the timeframes:

1. **Initial Evaluation** (once a complaint has been filed, the College will decide whether to dismiss or investigate a complaint of sex discrimination within seven (7) business days.
 2. **Appeal of Dismissal** – 3 (three) business days for the complainant to submit the appeal; 3 (three) business days for the other party to respond to the appeal after it has been shared by the College; 7 (seven) business days for the College to review and decide on the appeal.
 3. **Investigation** – Typically will be completed within thirty five (35) business days, but will depend on issues such as the nature, extent, and complexity of the allegations, witness availability, law enforcement involvement, and other factors.
 4. **Hearing** - Once the investigation is complete, a hearing will occur within ten (10) business days.
 5. **Determination** – The determination regarding responsibility will be delivered to all parties simultaneously within five (5) business days after the conclusion of the hearing.
 6. **Appeal of Determination** – Any party may submit a written request for appeal to the Title IX Coordinator within five (5) business days of the delivery of the determination; 5 (five) business days for the other party to respond to the appeal after the College has shared it; 10 (ten) business days for the College to review, decide, and communicate the decision of the appeal.
- The College will make a good faith effort to complete the resolution process within the timeframes noted above, but the Title IX Coordinator can extend them as necessary for appropriate cause. Any party may request a reasonable extension to the timeframes from the Title IX Coordinator, who will determine the appropriateness of the request on a case-by-case basis. All parties will be informed of alterations to the timelines.
 - The College will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses, consulting with their family members, confidential resources, or advisors, or otherwise preparing for or participating in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.
 - The College will objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person’s status as a complainant, respondent, or witness.
 - The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by The College to

determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless The College obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Notice of Allegations:

Upon initiation of The College's grievance procedures, The College will notify the parties of the following:

- The College's grievance procedures, and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s);
- The College presumes that the respondent is not responsible for the alleged Prohibited Conduct, that determinations regarding responsibility are made at the conclusion of the College's procedures, and that prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- The parties may have an advisor of their choice who may be, but is not required to be, an attorney;
- The name and contact information of the investigator and how to challenge participation by the investigator on the basis of a conflict of interest or bias;
- The importance of preserving any potentially relevant evidence in any format, including evidence that may assist in proving that an alleged criminal offense occurred or may be helpful in obtaining a protection order;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence and an investigative report that summarizes this evidence; and
- That this policy prohibits students, employees and witnesses from knowingly making false statements or knowingly submitting false information during these procedures.
-

If, in the course of an investigation, The College decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, The College will notify the parties of the additional allegations.

Dismissal of a Complaint:

The College may dismiss a complaint of Prohibited Conduct if:

- The College is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the College's education program or activity and is not employed by the College;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the College determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- The College determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the College will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the College will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the College will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

Appeal of Complaint Dismissal

The College will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the College will also notify the respondent that the dismissal may be appealed.

All requests for an appeal must be submitted in writing to the Title IX Coordinator within three (3) business days of the delivery of the written findings of the College. Either party may appeal, but dismissals may be only be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, the College will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties; A response from other parties must be received within 3 (three) business days after it has been shared by the College;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of

the allegations or dismissal of the complaint;

- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result within 7 (seven) business days from all submissions by the parties.

When a complaint is dismissed, the College will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex does not continue or recur within the College's education program or activity.

Investigation

The Title IX Coordinator will appoint an investigator/decisionmaker. The investigator/decisionmaker 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 investigator/decisionmaker. If a party believes that an investigator/decisionmaker has a bias for or against complainants or respondents generally or for 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 Coordinator that outlines the basis for their objection to the investigator/decisionmaker's service. The Title IX Coordinator will make a decision on such objections, and will appoint any alternate investigator/decisionmaker, and follow this process as necessary, until an investigator/decisionmaker is selected to conduct the investigation and make a determination.

If a respondent who has been notified of an investigation fails to cooperate with the investigator/decisionmaker, the investigation may proceed, a finding may be reached, and a sanction (if appropriate given the determination regarding responsibility) 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.

The College will endeavor to complete the investigation portion of the process within 35 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. The parties will be notified of any extensions and the reasons for the extensions.

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 Coordinator or their designee.

The investigator/decisionmaker 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. 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/decisionmaker or other College representative may terminate meetings, and/or proceed with the investigation or adjudication based on otherwise-available information, if an advisor is disruptive or otherwise refuses to comply with the requirements of this policy.

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

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

Further, the following provisions will apply to investigations regarding Prohibited Conduct that does not involve sex-based harassment and a student party:

- The College will provide for adequate, reliable, and impartial investigation of complaints.
- The burden is on the College—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred.
- The College will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.
- The College will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.
- The College will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of Prohibited Conduct and not otherwise impermissible in the following manner:

- The College will provide an equal opportunity to access an accurate description of this evidence. The College will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.
- The College will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- The College will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

Questioning the Parties and Witnesses:

The College's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will allow the investigator/decisionmaker to ask such questions during individual meetings with a party or witness;

Once the investigator/decisionmaker has completed their investigation they will draft an investigative report, to which they will append any relevant evidence. The parties will be provided with access to the investigative report and a seven (7) calendar day period to submit for the investigator/decisionmaker's consideration a written response to the investigative report and exhibits, which the investigator/decisionmaker will consider in making their determination.

Determination Whether Prohibited Conduct Occurred:

Following the investigation and evaluation of all relevant and not otherwise impermissible evidence and the parties' statements, the investigator/decisionmaker will:

7. Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. This means that the decisionmaker will evaluate relevant and not otherwise impermissible evidence available at the time of the decision to decide whether it is more likely than not that the respondent is in violation of the alleged policy violation(s). If the decisionmaker is not persuaded under the preponderance of the evidence standard that Prohibited Conduct occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
8. Notify the parties in writing of the determination whether Prohibited Conduct occurred including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal;
9. Not impose discipline on a respondent for Prohibited Conduct unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.
10. If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - a. Coordinate the provision and implementation of remedies to a complainant and other people the College identifies as having had equal access to the College's education program or activity limited or denied by sex discrimination;
 - b. Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and

- c. Take other appropriate prompt and effective steps to ensure that Prohibited Conduct does not continue or recur within the College's education program or activity.
11. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
12. Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Appeal of Determinations

The College offers all parties an appeal from a determination whether Prohibited Conduct occurred. All requests for an appeal must be submitted in writing to the Title IX Coordinator within three (3) business days of the delivery of the written findings of the College. Either party may appeal on the following grounds:

1. Procedural irregularity that would change the outcome;
2. New evidence that would change the outcome and that was not reasonably available when the determination whether sex-based harassment occurred or dismissal was made; and
3. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the determination is appealed, the College will:

1. Notify the parties of any appeal;
2. Implement appeal procedures equally for the parties; A response from other parties must be received within 3 (three) business days after it has been shared by the College;
3. Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or determination of the complaint;
4. Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
5. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
6. Notify the parties of the result of the appeal and the rationale for the result within 7 (seven) business days from all submissions by the parties.

Informal Resolution:

In lieu of resolving a complaint through the College's grievance procedures, the parties may instead elect to participate in an informal resolution process. the College will inform the parties in writing of any informal resolution process it offers and determines is appropriate, if any. the College will not offer informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law. Before the initiation of an informal resolution process, the College will explain in writing to the parties:

1. The allegations;
2. The requirements of the informal resolution process;
3. That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;

4. That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
5. The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
6. What information the College will maintain and whether and how the College could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed (specifically, the College will not consider in any subsequent formal process any communications/information that was created exclusively for purposes of an informal process).

When an informal resolution process is provided, the Title IX coordinator will, to the extent necessary, take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the College's education program or activity.

Supportive Measures

The College will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the College's education program or activity or provide support during the College's Title IX grievance procedures or during the informal resolution process.

For a full description of Supportive Measures, please see the section earlier in this policy.

Disciplinary Sanctions and Remedies:

Following a determination that Prohibited Conduct occurred, the College may impose disciplinary sanctions, and/or other remedies.

Student sanctions may include, but are not limited to:

- Written Warning consists of formal notification that the student has violated the Student Code and advises that repetition will result in a more severe sanction. A written record of the warning is made.
- Educational Sanction is usually imposed in conjunction with another sanction. Educational sanctions may include, but are not limited to, evaluation/counseling, change in residence hall, participation in an educational program, writing a research paper, a supervised work project, etc. The educational sanction must be completed within the manner and time stated as part of the sanction. Participation in certain programs may be withheld or restricted until educational sanctions are completed (e.g. participation in room selection).
- Restitution is full payment for the cost of damage(s), as determined by the College, of materials and labor for repair or replacement of damaged, destroyed, or stolen College property.
- Fines may be assessed by the College for certain actions such as (but not limited to) false activation of a fire alarm.
- Conduct Probation is a serious reprimand for a violation of a specific College policy. The loss of specified privileges may also be involved. Conduct Probation is for a specified period of time, and more severe disciplinary sanction(s) will be imposed should the student further violate any College policy.
- Ban from a space on campus separates a student from the space they are restricted from for a certain time period.
- Residence Hall Suspension separates a student from the residence halls for a

specified period of time, or until specified conditions are met. A student suspended from the residence halls may continue to attend classes and utilize the College's dining hall. However, the student shall not enter, nor be in the immediate vicinity of, any residence hall; this includes lawn areas, sidewalks, parking lots near the residence halls, etc.

- Residence Hall Expulsion is a permanent separation of the student from the residence halls. A student expelled from the residence halls shall also lose all future visitation privileges and utilization of the College's dining hall; the rationale for this is that a student permanently separated from the residence halls and group activities shall also lose the privilege of gathering in the dining hall with other students. The student may not enter, nor be in the immediate vicinity of any residence halls.
- Suspension from Non-Academic Activities is a separation of the student from all nonacademic activities and functions (e.g. visitation to the residence halls, student activities and programs, sport events, intramural/recreation programs, recreation facilities, athletics, etc.) for a specified period of time.
- Expulsion from Non-Academic Activities is a permanent separation of the student from all nonacademic activities and functions (e.g. visitation to the residence halls, student activities and programs, sport events, intramural/recreation programs, recreation facilities, athletics, etc.).
- College Suspension is a separation of the student from the College and all College premises, for a specified period of time and/or until certain predetermined conditions are met. Readmission after College suspension is not automatic and must have the approval of the Assistant Dean of Student Affairs.
- College Expulsion is the permanent separation of the student from the College, and all College premises. The expulsion will be noted on the student's academic transcript as follows "Expelled per Student Code of Conduct," and the effective date of the expulsion will be noted. This notation will be a permanent part of the student's academic transcript.

Individuals who receive College Suspension or College Expulsion will be banned from returning to any College premise or participating in any College events, programs, or activities. If an individual is found on or within any College property they will be subject to arrest for criminal trespass. If a suspended student does not apply for or is not granted readmission, the stipulations of the College Suspension will stay in place permanently (e.g., ban).

Employee sanctions may include, but are not limited to:

- Written warning consists of formal notification that the employee has violated the Title IX Policy and advises that repetition will result in a more severe sanction. A written record of the warning is made.
- Change of job consists of removing an employee from being in a position to retaliate or further affect the complainant.
- Mandated Counseling
- Mandatory attendance to appropriate educational workshop or training (this may be at the expense of the respondent).
- Relevant community service.
- Suspension (with or without pay).
- Termination of employment.

Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Complainants or Student Respondents

The College has adopted Title IX grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator. These grievance procedures address complaints of sex-based harassment that involve a student party.

When a party is both a student and an employee of a postsecondary institution, the 2024 amendments require an institution to make a fact-specific inquiry to determine whether the requirements of this classification apply.

Complaints:

The following people have a right to make a complaint of sex-based harassment, requesting that the College investigate and make a determination about alleged sex-based harassment under Title IX:

- A “complainant,” which includes:
 - a student or employee of the College who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - a person other than a student or employee of the College who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the College’s education program or activity;
 - A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
 - the College’s Title IX Coordinator.

Note that a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements Title IX regulations.

The College may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Title IX Coordinator Initiated Complaints

In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the College’s Title IX Coordinator may initiate a complaint of sex discrimination that complies with the grievance procedures after considering, at a minimum, the following factors:

- The complainant’s request not to proceed with initiation of a complaint;
- The complainant’s reasonable safety concerns regarding the initiation of a complaint;
- The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
- The severity of the alleged sex discrimination, including whether the discrimination, if

established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;

- The age and relationship of the parties, including whether the respondent is an employee of the College;
- The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- Whether the College could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

Basic Requirements of Title IX Grievance Procedures of Sex-Based Harassment Involving Student Complainants or Student Respondents:

- The College will treat complainants and respondents equitably.
- The College requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. As long as there is no conflict of interest or bias, a decisionmaker may be the same person as the Title IX Coordinator or investigator.
- The College presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.
- The College has established the following timeframes that will ordinarily be used for the major stages of the grievance procedures unless the College determines there is reasonable and good cause to extend the timeframes:
 - **Initial Evaluation** (once a complaint has been filed, the College will decide whether to dismiss or investigate a complaint of sex discrimination within seven (7) business days.
 - **Appeal of Dismissal** – 3 (three) business days for the complainant to submit the appeal; 3 (three) business days for the other party to respond to the appeal after it has been shared by the College; 7 (seven) business days for the College to review and decide on the appeal.
 - **Investigation** – Typically will be completed within thirty five (35) business days, but will depend on issues such as the nature, extent, and complexity of the allegations, witness availability, law enforcement involvement, and other factors.
 - **Hearing** - Once the investigation is complete, a hearing will occur within 15 (fifteen) business days)
 - **Determination** – The determination of responsibility will be delivered to all parties within five (5) business days after the conclusion of the hearing.
 - **Appeal of Determination** – Any party may submit a written request for appeal to the Title IX Coordinator within five (5) business days of the delivery of the determination; 5 (five) business days for the other party to respond to the appeal after the College has shared it; 10 (ten) business days for the College to review, decide, and communicate the decision of the appeal.
- The College will make a good faith effort to complete the resolution process within the

timeframes noted above, but the Title IX Coordinator can extend them as necessary for appropriate cause. Any party may request a reasonable extension to the timeframes from the Title IX Coordinator, who will determine the appropriateness of the request on a case-by-case basis. All parties will be informed of alterations to the timelines.

- The College will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.
- The College will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person’s status as a complainant, respondent, or witness.
- The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by the College to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:
 - Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
 - A party’s or witness’s records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the College obtains that party’s or witness’s voluntary, written consent for use in its grievance procedures; and
 - Evidence that relates to the complainant’s sexual interests or prior sexual conduct, unless evidence about the complainant’s prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant’s prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant’s consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Written Notice of Allegations:

Upon initiation of these Title IX grievance procedures, the College will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

- the College’s Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex-based harassment, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited;

- The respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- The parties may have an advisor of their choice who may be, but is not required to be, an attorney;
- The parties are entitled to an equal opportunity to access an investigative report that accurately summarizes the relevant and not otherwise impermissible evidence. The parties are entitled to an equal opportunity to access the relevant and not impermissible evidence upon the request of any party; and
- The section in this policy titled “Obligation to Provide Truthful Information” prohibits knowingly making false statements or knowingly submitting false information during the grievance procedures. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a determination of a Policy violation.

If, in the course of an investigation, the College decides to investigate additional allegations of sex-based harassment by the respondent toward the complainant that are not included in the written notice or that are included in a consolidated complaint, it will provide written notice of the additional allegations to the parties.

Dismissal of a Complaint:

The College may dismiss a complaint if:

- The College is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the College’s education program or activity and is not employed by the College;
- The College obtains the complainant’s voluntary withdrawal in writing of any or all of the allegations, the Title IX Coordinator declines to initiate a complaint, and the College determines that, without the complainant’s withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- The College determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the College will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the College will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the College will notify the parties simultaneously in writing.

The College will notify the complainant that a dismissal may be appealed on the bases outlined in the *Appeals* section. If dismissal occurs after the respondent has been notified of the allegations, then the College will also notify the respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, the College will follow the procedures outlined in the *Appeals* section.

Appeal of Complaint Dismissal

The College will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the College will also

notify the respondent that the dismissal may be appealed.

All requests for an appeal must be submitted in writing to the Title IX Coordinator within 3 (three) business days of the delivery of the written findings of the College. Either party may appeal, but dismissals may be only be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, the College will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties; A response from other parties must be received within 3 (three) business days after it has been shared by the College;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result within 7 (seven) business days from all submissions by the parties.

When a complaint is dismissed, the College will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the College's education program or activity.

Investigation:

- The College will provide for adequate, reliable, and impartial investigation of complaints.
- The burden is on the College—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.
- The College will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.
- The College will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.
- The College will not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding.

- The College may establish restrictions regarding the extent to which the advisor may participate in these grievance procedures, as long as the restrictions apply equally to the parties.
- The College will provide the parties with the same opportunities, if any, to have people other than the advisor of the parties' choice present during any meeting or proceeding.
- The College will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.
- The College will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.
- The College will provide each party and the party's advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex-based harassment and not otherwise impermissible, in the following manner:
 - The College will provide an equal opportunity to access a written investigative report that accurately summarizes the relevant and not otherwise impermissible evidence, and all relevant evidence as exhibits to the report;
 - The College will provide a reasonable opportunity to review and respond to the investigative report and the evidence. The College will provide opportunity to review the evidence in advance of the live hearing.; and
 - The College will take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the sex-based harassment grievance procedures.

Questioning the Parties and Witnesses:

The College will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment.

The College's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will allow the decisionmaker to ask such questions, and will allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the decisionmaker, subject to the procedures for evaluating and limiting questions discussed below; or

Procedures for the decisionmaker to evaluate the questions and limitations on questions:

The decisionmaker will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The decisionmaker will give a party an opportunity to clarify or revise a question that the decisionmaker determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked.

The decisionmaker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decisionmaker will not draw an inference about whether Prohibited Conduct occurred based solely on a party's or witness's refusal to respond to such questions.

Procedures for a Live Hearing

The College will conduct the live hearing with the parties physically present in the same geographic location or, at the College's discretion or upon the request of either party, will conduct the live hearing with the parties physically present in separate locations with technology enabling the decisionmaker and parties to simultaneously see and hear the party or witness while that person is speaking.

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

Determination Whether Sex-Based Harassment Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the College will:

- Use the preponderance of the evidence standard of proof to determine whether sex-based harassment occurred. This means that the decisionmaker will evaluate relevant and not otherwise impermissible evidence available at the time of the decision to decide whether it is more likely than not that the respondent violated the policies at issue. If the decisionmaker is not persuaded under the preponderance of the evidence standard that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties simultaneously in writing of the determination whether sex-based harassment occurred, including:
 - A description of the alleged sex-based harassment;
 - Information about the policies and procedures that the College used to evaluate the allegations;
 - The decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred;
 - When the decisionmaker finds that sex-based harassment occurred, any disciplinary sanctions the College will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by the College to the complainant, and, to the extent appropriate, other students identified by the College to be experiencing the effects of the sex-based harassment; and
 - the College's procedures and permissible bases for the complainant and respondent to appeal.
- The College will not impose discipline on a respondent for sex-based harassment unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in sex-based harassment.
- If there is a determination that sex-based harassment occurred, as appropriate, the Title IX Coordinator will:
 - Coordinate the provision and implementation of remedies to a complainant and other people the College identifies as having had equal access to the College's education program or activity limited or denied by sex-based harassment;
 - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and

- Take other appropriate prompt and effective steps to ensure that sex-based harassment does not continue or recur within the College's education program or activity.
- Comply with the grievance procedures provided in this policy before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

Appeals of Determinations

The College will offer an appeal from a determination of whether Prohibited Conduct occurred. All requests for an appeal must be submitted in writing to the Title IX Coordinator within three (3) business days of the delivery of the written findings of the College. Either party may appeal, but dismissals may only be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination whether sex-based harassment occurred was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the determination is appealed, the College will:

- Notify the parties of any appeal;
- Implement appeal procedures equally for the parties; A response from other parties must be received within 3 (three) business days after it has been shared by the College;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or determination of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result within 7 (seven) business days from all submissions by the parties.

Informal Resolution:

In lieu of resolving a complaint through the College's formal grievance procedures, the parties may instead elect to participate in an informal resolution process. The College will inform the parties in writing of the informal resolution process it offers and determines is appropriate, if any. The College will not offer informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law. Before the initiation of an informal resolution process, the College will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;

- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information the College will maintain and whether and how the College could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed (specifically, the College will not consider in any subsequent formal process any communications/information that was created exclusively for purposes of an informal process).

When an informal resolution process is provided, the Title IX coordinator, to the extent necessary, will take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the College's education program or activity.

Supportive Measures

The College will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the College's education program or activity or provide support during the College's Title IX grievance procedures or during the informal resolution process.

For a full description of Supportive Measures, please see the supportive measures section earlier in this policy.

Disciplinary Sanctions and Remedies:

Following a determination that sex-based harassment occurred, the College may impose disciplinary sanctions, and/or other remedies.

Student sanctions may include, but are not limited to:

- Written Warning consists of formal notification that the student has violated the Student Code and advises that repetition will result in a more severe sanction. A written record of the warning is made.
- Educational Sanction is usually imposed in conjunction with another sanction. Educational sanctions may include, but are not limited to, evaluation/counseling, change in residence hall, participation in an educational program, writing a research paper, a supervised work project, etc. The educational sanction must be completed within the manner and time stated as part of the sanction. Participation in certain programs may be withheld or restricted until educational sanctions are completed (e.g. participation in room selection).
- Restitution is full payment for the cost of damage(s), as determined by the College, of materials and labor for repair or replacement of damaged, destroyed, or stolen College property.
- Fines may be assessed by the College for certain actions such as (but not limited to) false activation of a fire alarm.
- Conduct Probation is a serious reprimand for a violation of a specific College policy. The loss of specified privileges may also be involved. Conduct Probation is for a specified period of time, and more severe disciplinary sanction(s) will be imposed

should the student further violate any College policy.

- Ban from a space on campus separates a student from the space they are restricted from for a certain time period.
- Residence Hall Suspension separates a student from the residence halls for a specified period of time, or until specified conditions are met. A student suspended from the residence halls may continue to attend classes and utilize the College's dining hall. However, the student shall not enter, nor be in the immediate vicinity of, any residence hall; this includes lawn areas, sidewalks, parking lots near the residence halls, etc.
- Residence Hall Expulsion is a permanent separation of the student from the residence halls. A student expelled from the residence halls shall also lose all future visitation privileges and utilization of the College's dining hall; the rationale for this is that a student permanently separated from the residence halls and group activities shall also lose the privilege of gathering in the dining hall with other students. The student may not enter, nor be in the immediate vicinity of any residence halls.
- Suspension from Non-Academic Activities is a separation of the student from all nonacademic activities and functions (e.g. visitation to the residence halls, student activities and programs, sport events, intramural/recreation programs, recreation facilities, athletics, etc.) for a specified period of time.
- Expulsion from Non-Academic Activities is a permanent separation of the student from all nonacademic activities and functions (e.g. visitation to the residence halls, student activities and programs, sport events, intramural/recreation programs, recreation facilities, athletics, etc.).
- College Suspension is a separation of the student from the College and all College premises, for a specified period of time and/or until certain predetermined conditions are met. Readmission after College suspension is not automatic and must have the approval of the Assistant Dean of Student Affairs.
- College Expulsion is the permanent separation of the student from the College, and all College premises. The expulsion will be noted on the student's academic transcript as follows "Expelled per Student Code of Conduct," and the effective date of the expulsion will be noted. This notation will be a permanent part of the student's academic transcript.
- Individuals who receive College Suspension or College Expulsion will be banned from returning to any College premise or participating in any College events, programs, or activities. If an individual is found on or within any College property they will be subject to arrest for criminal trespass. If a suspended student does not apply for or is not granted readmission, the stipulations of the College Suspension will stay in place permanently (e.g., ban).

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 work

Disclosure of Results of Disciplinary Proceedings

Upon written request, the College will disclose the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of any crime of violence or a non-forcible sex offense to the alleged victim or the next of kin (if the victim is deceased).

Campus Sex Crimes Prevention Act (Sex Offender Registry)

The Campus Sex Crimes Prevention Act requires sex offenders, who must register under state law, to provide notice of enrollment or employment at any institution of higher education (IHE) in that state where the offender resides, as well as notice of each change of enrollment or employment status at the IHE. In turn, this information will be made available by the state authorities to the local law enforcement agency that has jurisdiction where the IHE is located.

The College is not required to request this data from the state, but individuals may find information concerning registered sex offenders in the State of Vermont at this address: <http://vcic.vermont.gov/>. This information is made available for the purpose of complying with [13 V.S.A. section 540](https://legislature.vermont.gov/statutes/section/13/167/05401) (<https://legislature.vermont.gov/statutes/section/13/167/05401>) and the Adam Walsh Child Protection and Safety Act of 2006 ([Public Law 109-248](https://www.govinfo.gov/content/pkg/PLAW-109publ248/pdf/PLAW-109publ248.pdf)) (<https://www.govinfo.gov/content/pkg/PLAW-109publ248/pdf/PLAW-109publ248.pdf>).

Crime Statistics

The Department of Campus Safety, under the direction of the Director, or his or her designee, gathers and compiles the Department's crime statistics. In addition to the crimes reported to the Department, the Director will solicit information from the Office of Student Affairs. Statistics for crimes that occur off-campus are maintained by the Law Enforcement Agency involved.

Definitions of Reportable Crimes

The following definitions are to be used for reporting the crimes listed in 34 CFR sec. 668.46 (previously 668.47) in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program. The definitions for murder, robbery, aggravated assault, burglary, motor vehicle theft, weapon law violations, drug abuse violations, and liquor law violations are excerpted from the Uniform Crime Reporting Handbook. The definitions of forcible and non-forcible sex offenses are excerpted from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Handbook. Source: Federal Register, April 29, 1994, Vol. 59, No. 82; Federal Register, November 1, 1999, Vol. 64, No. 210.

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

Manslaughter by Negligence: Any death caused by gross negligence of another.

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

- **Rape** is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

- **Fondling** is the touching of the private body parts of another person for sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or his/her temporary or permanent mental incapacity.
- **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory rape** is sexual intercourse with a person who is under the statutory age of consent.

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

Aggravated Assault: An unlawful attack by one person upon another to inflict severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (Injury doesn't need to result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

Burglary: The unlawful entry of a structure to commit a felony or theft. For reporting purposes, this definition includes unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding.)

Weapon Law Violations: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

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

Domestic Violence: Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Dating Violence: Violence committed by a person—

1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - a. the length of the relationship
 - b. the type of relationship

- c. the frequency of interaction between the persons involved in the relationship

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

1. fear for his or her safety or the safety of others; or
2. suffer substantial emotional distress

Drug Abuse Violations: Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and the making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Liquor Law Violations: The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

Hate Crime: Criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

Unfounded Crimes: For Clery Act purposes a crime can be determined to be unfounded only after a full investigation by sworn law enforcement personnel and after the sworn law enforcement officer makes a formal determination that the report is false and baseless.

Crime Statistics Report – Calendar Years 2021-2023

		2023	2022	2021
MURDER – NON-NEGLIGENT MANSLAUGHTER				
	ON CAMPUS TOTAL	0	0	0
	RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
MANSLAUGHTER BY NEGLIGENCE				
	ON CAMPUS TOTAL	0	0	0
	RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
RAPE				
	ON CAMPUS TOTAL	3	3	2
	RESIDENTIAL FACILITIES	3	3	2
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
FONDLING				
	ON CAMPUS TOTAL	1	2	2
	RESIDENTIAL FACILITIES	1	2	1
	NON-CAMPUS	0	0	1
	PUBLIC PROPERTY	0	0	0
INCEST				
	ON CAMPUS TOTAL	0	0	0
	RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
STATUTORY RAPE				
	ON CAMPUS TOTAL	0	0	0
	RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
ROBBERY				
	ON CAMPUS TOTAL	0	0	0
	RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
AGGAVATED ASSAULT				
	ON CAMPUS TOTAL	0	0	0
	RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
BURGLARY				
	ON CAMPUS TOTAL	0	1	1
	RESIDENTIAL FACILITIES	0	0	1
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
MOTOR VEHICLE THEFT				
	ON CAMPUS TOTAL	0	0	0
	RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0

Crime Statistics Report – Calendar Years 2021-2023

		2023	2022	2021
ARSON				
	ON CAMPUS TOTAL	0	0	0
	RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
LIQUOR LAW ARREST				
	ON CAMPUS TOTAL	0	0	0
	RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
LIQUOR LAW REFERRAL				
	ON CAMPUS TOTAL	6	3	2
	RESIDENTIAL FACILITIES	6	3	2
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
DRUG LAW ARREST				
	ON CAMPUS TOTAL	0	0	0
	RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
DRUG LAW REFERRAL * Vermont decriminalized possession of small amounts of marijuana				
	ON CAMPUS TOTAL	2	1	2
	RESIDENTIAL FACILITIES	0	1	2
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
ILLEGAL WEAPONS POSSESSION ARREST				
	ON CAMPUS TOTAL	0	0	0
	RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
ILLEGAL WEAPONS POSSESSION REFERRAL				
	ON CAMPUS TOTAL	0	0	0
	RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
DOMESTIC VIOLENCE				
	ON CAMPUS TOTAL	0	0	0
	RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
DATING VIOLENCE				
	ON CAMPUS TOTAL	0	1	0
	RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
STALKING				
	ON CAMPUS TOTAL	0	0	0
	RESIDENTIAL FACILITIES	0	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0
UNFOUNDED CRIMES				
	ON CAMPUS TOTAL	1	0	0
	RESIDENTIAL FACILITIES	1	0	0
	NON-CAMPUS	0	0	0
	PUBLIC PROPERTY	0	0	0

Clery Bias Crime Statistics – Calendar Years 2021-2023

REPORTABLE OFFENSES	RACE			GENDER			RELIGION			SEXUALITY			ETHNICITY			DISABILITY			GENDER IDENTITY			NATIONAL ORIGIN			
	2023	2022	2021	2023	2022	2021	2023	2022	2021	2023	2022	2021	2023	2022	2021	2023	2022	2021	2023	2022	2021	2023	2022	2021	
MURDER/NON-NEGLIGENT MANSLAUGHTER																									
ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE																									
ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RAPE																									
ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FONDLING																									
ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
INCEST																									
ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
STATUTORY RAPE																									
ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ROBBERY																									
ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT																									
ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BURGLARY																									
ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Clery Bias Crime Statistics – Calendar Years 2021-2023

REPORTABLE OFFENSES	RACE			GENDER			RELIGION			SEXUALITY			ETHNICITY			DISABILITY			GENDER IDENTITY			NATIONAL ORIGIN			
	2023	2022	2021	2023	2022	2021	2023	2022	2021	2023	2022	2021	2023	2022	2021	2023	2022	2021	2023	2022	2021	2023	2022	2021	
MOTOR VEHICLE THEFT																									
ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ARSON																									
ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SIMPLE ASSAULT																									
ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
INTIMIDATION																									
ON CAMPUS	0	3	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LARCENY-THEFT																									
ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DESTRUCTION/DAMAGE/ VANDALISM OF PROPERTY (except arson)																									
ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ANY OTHER CRIME INVOLVING BODILY INJURY																									
ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DOMESTIC VIOLENCE																									
ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DATING VIOLENCE																									
ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
STALKING																									
ON CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NON-CAMPUS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PUBLIC PROPERTY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Location and Geography Definitions

On-Campus: Property within a reasonably contiguous area owned or controlled by the institution.

Residence Facilities: On-campus student housing owned or controlled by the institution.

Off-Campus or Non-Campus: Property controlled by student organizations recognized by the institution, or property owned or controlled by the institution used by students for educational purposes that is not contiguous to the campus.

Public Property: Sidewalks, streets, parking lots, or thoroughfares within the contiguous area of the institution or adjacent.

Fire Regulations

Compliance with fire regulations is a necessity in the residence halls. Sprinklers, smoke, and heat detectors are only a part of fire safety. While the residence halls are as fireproof as it is possible to make them, each room may contain combustible personal items, which make the following rules necessary.

On a regular basis, the College inspects smoke detectors and fire extinguishers, tests fire alarms and fire suppression systems, and evaluates building and fire escape routes. At this time, the College has determined improvements in these systems are not necessary during the next academic year. Plans for improvement will be reevaluated each year (typically in July).

Fire Drills and Fire Alarms

Fire drills are performed within the first two weeks of the semester during the fall and spring semesters for each residential building on campus. During the summer sessions, the students are informed of the fire alarm system and where to go when the alarm system sounds. There are no formal fire drills conducted in the academic and business buildings on campus.

At the sound of a fire alarm, all occupants of a building are required to evacuate the building and remain at the designated meeting location until given explicit permission to return to the building by a College or Fire Safety official. The meeting points for the residence halls is predetermined by the Resident Dean and relayed to the students of that building during hall meetings. The classroom evacuation points are listed in the Critical Incident Management Plan based on the location of the building and the location of the event.

Community members who do not comply with fire-drill instructions will be subject to disciplinary action up to and including fines.

NOTE: All student rooms will have an evacuation route posted in each room. Students should become familiar with the main and secondary routes.

Whenever the fire alarm sounds:

- DO NOT PANIC.
- Shut your window.

- Close your door as you leave.
- Bring a towel to cover your mouth and nose to protect yourself from smoke inhalation.
- Do not take personal items with you. Items will hinder you from exiting quickly.
- Move quickly and carefully in the hallway.
- Do not try to escape through an area full of smoke or fire — use an alternate exit.
- Stay low to the ground or crawl to the nearest exit when there is any smoke in the air.
- Move to the designated meeting point for your building during a fire alarm.
- Listen for directions from staff or emergency personnel.
- Do not try to go back into the building for any reason until instructed by a College or Fire Department official.

Fire Safety Training

Fire safety education programming is provided to the student body during the fire drill process and as requested during the semester by the Resident Deans, Resident Assistant, or local Fire Department. Training for the employees of the college will occur during departmental emergency response training. Training will include procedures that will be covered in case of a fire. See *Whenever the fire alarm sounds* instruction in the section above.:

During the calendar year, the College will hold, at a minimum, two fire drills for each residential unit. In the 2022 calendar year, each residence hall held a drill in the fall and spring semesters.

Prohibited Items

1. Electrical appliances, including but not limited to halogen lamps, hot plates, toasters, immersion coils, “George Foreman” type grills, toaster ovens, electric blankets, space heaters, sun lamps, and power tools are not permitted.
2. Candles, camp stoves, lanterns, hurricane lamps, incense, or any other items with open flames are not permitted.
3. Fireworks, explosives, volatile liquids, and fuel are not permitted.
4. Posters, pictures, and other combustible wall decorations that are not placed flat against the wall or block or hinder entryways are not permitted. Combustible materials may not cover more than 20% of each wall.
5. Ceilings may not be decorated with fabric, posters, fishnet, or other combustible material that might ignite.
6. Wooden constructions (lofts, overstuffed chairs, etc.) unless they are approved by the Resident Dean, Campus Safety, or the Facilities personnel, are not permitted.
7. Room contents must not obstruct doors, passageways, or corridors. Tapestries may not be hung from the ceiling or across closet openings.
8. Extension cords and multi-plug outlets are not allowed unless they have manufactured surge protection devices and UL approved.
9. Hallway doors may not be propped open. Doors may only be held open by magnetic door holders that are connected to the fire alarm system.

10. Gas or charcoal grills are not allowed within 25 feet of the Bridges buildings.
11. Smoking is prohibited in all College buildings, facilities and general grounds and property with the exception of “Designated Smoking Areas”. For Landmark College, smoking is defined as the act of smoking or carrying a lighted cigarette, cigar, pipe or any other smoking material or device, including e-cigarettes, vaping devices, and hookahs. Smoking is prohibited in any College owned vehicle, and any vehicle parked or idling on campus, including personal vehicles.

Fire Detection and Prevention Systems

Carbon Monoxide Detection

All residential housing buildings are monitored with carbon monoxide detectors. Aiken Hall detectors are monitored by the building’s fire detection and alarm system. The remaining units are single mount detectors.

Frost Hall, Aiken Hall, Stone Hall, Davis Hall, and the Bridges

These seven buildings are equipped with a full detection system that is monitored by a central station monitoring system. The buildings have a full wet-sprinkler system and portable fire extinguishers at the exit doors of the building.

Alumni Hall

Alumni Hall is equipped with a full detection system that is monitored by a central station monitoring system. The building has a partial wet-sprinkler system that covers the Dining Hall, commercial kitchen, and boiler room. There are portable fire extinguishers at the exit doors of the building.

Chumley A and Chumley B

Both Chumley A and B are equipped with a full detection system that is monitored by a central station monitoring system. The buildings have no sprinkler system in place. There are portable fire extinguishers at the exit doors of each building.

Fire Evacuation Plans & Placards

Each residence hall room is equipped with a wall-mounted placard that provides a graphic representation of the residential floor, the location of the current room of occupancy, and the available evacuation routes in case of a fire.

Tampering or Damaging Fire Safety Equipment

Fire alarms, fire sprinklers, and fire extinguishers are critical for safety and must not be tampered with. Students who pull false alarms and/or tamper with fire-safety equipment will be subject to fines and disciplinary action up to and including suspension or expulsion, fines from the Putney Fire Department, and may be subject to criminal charges. Students should not hang items from, cover, or otherwise obstruct the effective use of any fire notification or suppression equipment (smoke detectors, sprinklers, etc.).

Fire Setting

Lighting a fire without authorization, intentionally or unintentionally, on College property, or setting fires with the intention of destroying property is strictly prohibited and in some cases may be considered illegal. Students who are responsible for fire setting will be subject to fines and disciplinary action up to and including suspension or expulsion, fines from the Putney Fire Department, and may be subject to criminal charges.

Reporting a Fire

All residence halls are directly connected to the Keene Mutual Aid Dispatch Center, which dispatches the Putney Fire Department. In the case of a fire, or evidence that a fire has occurred, an individual should:

1. Pull the nearest fire alarm and then exit the building.
2. Contact 9-1-1
3. Notify a Resident Dean, Resident Assistant, or Campus Safety personnel as to where the fire is located.
4. Remain available to inform the Putney Fire Department or College staff, as they may need information.

Daily Fire Log

The Landmark College Department of Campus Safety maintains a daily fire log. The log records, by the date reported, any fire that occurs in an on-campus student housing facility, and includes the date the fire was reported; the nature of the fire; the date and time of the fire; and the general location of the fire. Entries will be made in the daily fire log within two business days after Campus Safety received the information.

Landmark College will make the fire log for the most recent 60-day period open to public inspection during normal business hours. The College will make any portion of the log older than 60 days available within two business days of a request for public inspection.

By October 1st of each year, and in compliance with 34 CFR § 668.49, the College will make a report to the campus community on the fires recorded in the fire log during the previous three calendar years. These annual statistics are also submitted to the Department of Education.

Fire Right-To-Know Statistics -2021

LOCATION	Date	Cause	Deaths Resulting	Injuries w/ Medical Treatment	Value of Property Damage
Aiken	07-14-21	Faulty Detector	0	0	0
Aiken	07-14-21	Faulty Detector	0	0	0
Alumni	04-08-21	Faulty Detector	0	0	0
Bridge One	02-04-21	Diffuser	0	0	0
Bridge One	02-18-21	Undetermined	0	0	0
Bridge One	03-17-21	Aerosol	0	0	0
Bridge One	03-28-21	Burnt food	0	0	0
Bridge One	05-14-21	Undetermined	0	0	0
Bridge One	07-12-21	Burnt Food	0	0	0
Bridge One	07-31-21	Faulty Detector	0	0	0
Bridge One	08-11-21	False Alarm/Dust	0	0	0
Bridge One	09-08-21	Diffuser	0	0	0
Bridge Two	04-03-21	Aerosol	0	0	0
Bridge Two	05-02-21	Burnt food	0	0	0
Bridge Three	None	None	0	0	0
Bridge Four	12-05-21	Burnt Food	0	0	0
Bridge Five	05-21-21	Undetermined	0	0	0
Bridge Five	05-23-21	Undetermined	0	0	0
Bridge Five	07-04-21	Burnt food	0	0	0
Chumley A	05-01-21	Burnt food	0	0	0
Chumley A	05-03-21	Burnt food	0	0	0
Chumley A	11-05-21	Burnt food	0	0	0
Chumley A	10-12-21	Burnt food	0	0	0
Chumley B	04-03-21	Burnt food	0	0	0
Chumley B	11-30-21	False Alarm/Steam	0	0	0
Davis	08-02-21	Faulty Detector	0	0	0
Davis	09-16-21	False Alarm	0	0	0
Frost	None	None	0	0	0
Gatehouse	12-02-21	Undetermined	0	0	0
Stone	None	None	0	0	0

Fire Right-To-Know Statistics -2022

LOCATION	Date	Cause	Deaths Resulting	Injuries w/ Medical Treatment	Value of Property Damage
Aiken	06-18-22	Faulty Detector	0	0	0
Alumni	06-07-22	False Alarm	0	0	0
Bridge One	01-25-22	Burned Food	0	0	0
Bridge One	09-17-22	Diffuser	0	0	0
Bridge One	10-04-22	Burned Food	0	0	0
Bridge One	10-04-22	Steam	0	0	0
Bridge One	10-07-22	Burned Food	0	0	0
Bridge Two	01-05-22	Burned Food	0	0	0
Bridge Two	04-03-22	Diffuser	0	0	0
Bridge Two	11-16-22	Burned Food	0	0	0
Bridge Three	04-10-22	Burned Food	0	0	0
Bridge Three	04-15-22	Undetermined	0	0	0
Bridge Three	04-15-22	Burned Food	0	0	0
Bridge Three	04-26-22	Smoking	0	0	0
Bridge Three	05-07-22	Undetermined	0	0	0
Bridge Three	05-24-22	False Alarm	0	0	0
Bridge Three	06-19-22	Burned Food	0	0	0
Bridge Three	10-02-22	Burned Food	0	0	0
Bridge Three	10-06-22	Aerosol	0	0	0
Bridge Three	10-22-22	Burned Food	0	0	0
Bridge Four	None	None	0	0	0
Bridge Five	10-05-22	Burned Food	0	0	0
Bridge Five	10-10-22	Vape Pen	0	0	0
Chumley A	01-04-22	False Alarm	0	0	0
Chumley A	01-04-22	False Alarm	0	0	0
Chumley A	04-01-22	Malfunction	0	0	0
Chumley A	04-12-22	Burned Food	0	0	0
Chumley B	10-21-22	Burned Food	0	0	0
Chumley B	10-23-22	Burned Food	0	0	0
Davis	10-31-22	Steam	0	0	0
Davis	11-16-22	Steam	0	0	0
Frost	None	None	0	0	0
Gatehouse	01-25-22	Burned shoelaces	0	0	0
Stone	None	None	0	0	0

Fire Right-To-Know Statistics -2023

LOCATION	Date	Cause	Deaths Resulting	Injuries w/ Medical Treatment	Value of Property Damage
Aiken	08-11-23	Burned Food	0	0	0
Alumni	05-19-23	Contractor work/Dust	0	0	0
Bridge One	01-25-23	Burned Food	0	0	0
Bridge One	01-26-23	Vaping/ Undetermined	0	0	0
Bridge One	05-11-23	Diffuser/Spray	0	0	0
Bridge One	08-15-23	Malfuction	0	0	0
Bridge Two	09-27-23	Burned Food	0	0	0
Bridge Two	10-20-23	Diffuser/Spray	0	0	0
Bridge Three	04-02-23	Malfuction	0	0	0
Bridge Three	08-28-23	Burned Food	0	0	0
Bridge Three	08-29-23	Burned Food	0	0	0
Bridge Three	10-19-23	Burned Food	0	0	0
Bridge Three	11-08-23	Burned Food	0	0	0
Bridge Three	12-11-23	Malfuction/Steam	0	0	0
Bridge Four	07-02-23	Diffuser/Spray	0	0	0
Bridge Four	08-26-23	Burned Food	0	0	0
Bridge Four	11-09-23	Diffuser/Spray	0	0	0
Bridge Five	02-12-23	Burned Food	0	0	0
Bridge Five	10-23-23	Burned Food	0	0	0
Chumley A			0	0	0
Chumley B	05-07-23	Burned Food	0	0	0
Chumley B	09-16-23	Burned Food	0	0	0
Chumley B	09-16-23	Burned Food	0	0	0
Chumley B	10-01-23	Burned Food	0	0	0
Chumley B	10-29-23	Burned Food	0	0	0
Davis	05-03-23	Steam/shower	0	0	0
Frost			0	0	0
Gatehouse			0	0	0
Lewis			0	0	0
Stone			0	0	0

Appendix A: Vermont Definitions of Domestic Violence, Dating Violence, Sexual Assault, Stalking, And Consent With Regard To Sexual Activity.

Domestic Violence (Domestic Assault):

Domestic Assault is attempting 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.

“Household members” are those persons who, for any period, are living or have lived together, are sharing or have shared occupancy of a dwelling, are engaged in or have engaged in a sexual relationship, or minors or adults who are dating or have dated.

Note: In the residential college setting, “domestic violence” can be defined by college policy to not cover violence between roommates or others in a residence hall. Landmark excludes roommates and dorm/mates from domestic violence definition.

Dating Violence

Dating Violence: Domestic assault includes attempting to cause or to willfully or recklessly cause bodily injury to a person one is dating or has dated or to willfully cause such person to fear imminent serious bodily injury.

“Dating” is defined as a social relationship of a romantic nature. Factors to consider in determining whether a dating relationship exists or existed, include:

1. the nature of the relationship;
2. the length of time the relationship has existed;
3. the frequency of the interaction between the parties; and
4. the length of time since the relationship ended, if applicable.

Consent

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

Sexual Assault

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

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

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

A “sexual act” means conduct between persons consisting of contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the vulva, or any

intrusion, however slight, by any part of a person's body or object into the genital or anal opening of another.

Stalking

Stalking is defined to mean engaging in a course of conduct which consists of following, lying in wait for, or harassing a person, when such conduct:

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

"Course of conduct" means a pattern of conduct composed of two or more acts over a period of time, however short, evidencing a continuity of purpose.

"Following" means maintaining, over a period of time, visual or physical proximity to another person in such a manner as would cause a reasonable person to have a fear of unlawful sexual conduct, unlawful restraint, bodily injury, or death.

"Lying in wait" means hiding or being concealed to attack or harm another person.

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