



Notice of Rights and Options for Reports of Sexual Misconduct, Dating or Domestic Violence, or Stalking

Updated 8/2024

Landmark College’s [Sexual and Interpersonal Misconduct Policy](#)¹ (the [Policy](#)) contains grievance procedures that provide for the support, investigation, and adjudication of certain Sex-Based Harassment allegations, including sexual assault, domestic violence, dating violence, stalking, or sexual misconduct.

This notification provides a summary of some of your rights and options under the [Policy](#), including:

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This summary is not exhaustive. It is important that you read the [Policy](#) itself to obtain additional information and a better understanding of the College’s procedures.

The resources, policies, and protocols referenced in this document apply to all Landmark College students, employees, and any third party who was participating or attempting to participate in the College’s education program or activity at the time of the alleged sex discrimination.

Definitions

- **Complainant** - A complainant is a student or employee of the College who is reported to have experienced conduct that could constitute Prohibited Conduct as defined below
- **Respondent** - A respondent is a student, employee or covered third party who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct as defined in this policy.
- **Prohibited Conduct** – The term used to collectively refer to Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking, and Sexual Exploitation within the scope of Title IX.

Getting Care & Support

If you have experienced sexual misconduct, dating or domestic violence, or stalking, please know that the College and local community have many resources that can offer support, information, and care.

¹ Available at: <https://www.landmark.edu/student-life/our-community/community-standards>

Immediate Safety and Support

- **Go to a safe place:** your room, a friend’s room, or a colleague’s office, the Residential Staff office in your hall, the Campus Safety Office, or anywhere you’ll feel safe.
- **Call someone you trust:** No matter how late it is, you shouldn’t be alone. Consider reaching out to a reliable friend, Residential Life or Campus safety staff, or to a confidential resource on campus such as Counseling Services.
- If safety is an immediate concern or you would like to report the incident to the police, call Campus Safety at (802) 387-6899 who can connect you with access to the police or emergency medical services, or contact 911 directly.

Medical Care

We encourage you to seek immediate medical attention, even if you’re not sure if you have any physical injuries. Please see the Community Assistance and Resources below for information on medical care options, including examination by a Sexual Assault Nurse Examiner (SANE) if you have been sexually assaulted or visiting Brattleboro Memorial Hospital for injuries related to other types of violence.

Mental Health Counseling

We encourage you to consider talking with a confidential counselor on or off campus, where you will have complete control over what information you do or do not choose to share. Please see the Community Assistance and Resources below for information on mental health counseling options on and off campus.

Privacy & Confidentiality

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 the age of 18.

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.

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

Community Assistance and Resources

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 advocates@womensfreedomcenter.net	24-hour Hotline: (802) 254-6954 Business line: (802)-257-7364
Windham County Victim Advocate	(802) 257-2860
Brattleboro Memorial Hospital ER	(802) 257-8222
Sexual Assault Nurse Examiner Program (SANE) @ Brattleboro Memorial Hospital	(802) 257-0341
Brattleboro Health Center	(802) 258-3905
Windham County Sheriff	(802) 365-4949
Vermont State Police	(802) 722-4600

Preserving Evidence

It is important to preserve all possible evidence even if a reporting person is unsure if they want to file a formal complaint, pursue criminal charges, or seek an order of protection. Preserving any and all evidence may be important in any process that seeks to determine if an offense occurred. This includes:

- Refraining from changing clothes, showering, or otherwise changing a physical state after an incident, until medical personnel have been consulted about how to best preserve evidence.
- Preserve other evidence that may be relevant to a case of Prohibited Conduct, such as, text messages, email messages, instant messages, social networking pages, pictures, electronically stored information, and other communications such as phone logs or other copies of documents that would be useful to investigators, decision-makers and/or law enforcement.

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 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 in order to restore or preserve access to the College's education program or activity, 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: counseling, no contact orders, relocating residence hall assignments, restricting access to certain campus buildings, changes to class schedules, assistance with rescheduling an academic assignment (paper, exam, etc.), tutoring support, changes to work schedules/situations, changes to work locations, leaves of absences, visa and immigration assistance, transportation assistance and escorts to and from campus locations, increased security and monitoring of certain areas, and other measures for safety as necessary.

Requests for supportive measures, accommodation, or other assistance should be directed to the Title IX Coordinator, Sexual Respect Coordinator, Campus Security, the Dean of Students, or the Dean of Campus Life (see contact information above). Employees may request supportive measures from the Director of Human Resources.

Filing a Complaint of Prohibited Conduct

Any student or employee who wishes to report a complaint of or concern about Prohibited Conduct (sexual harassment, sexual assault, domestic violence, dating violence, stalking, or sexual exploitation) is encouraged to contact the Vice President for Student Affairs (Title IX Coordinator), College Safety officers, the Dean of Students, Dean of Campus Life, Resident Deans, Academic Advisors, Counselors, College Administrators, and/or local law enforcement officials through the means of contact outlined below.

- Michael Luciani, VP for Student Affairs (Title IX Coordinator), mluciani@landmark.edu, (802) 387-6713
- Michael Giannetto, Director of Campus Safety, MichaelGiannetto@landmark.edu, (802) 387-1689
- Scott Ansevin-Allen, Dean of Campus Life, ScottAnsevinAllen@landmark.edu, (802) 387-6411
- Craig Marcus, Dean of Students, CraigMarcus@landmark.edu, (802) 387-6362
- Any Resident Dean, Resident Assistant, Academic Advisor, or Campus Safety Officer
- Windham County Sheriff, (802) 365-4949
- Vermont State Police, (802) 722-4600

Options for Reporting to Law Enforcement

In addition to (or instead of) the College's processes, any student or employee may (but is not required to) file a complaint and 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, Counseling Services, and Health Services 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 at all.

Orders of Protection

Individuals who are being or who may have been subjected to Prohibited Conduct may have the right to obtain orders of protection, restraining orders, and/or relief from abuse orders from Vermont courts. The College will support complainants if they wish to have the College's

assistance in making contact with law enforcement authorities and other external resources to seek such orders. The College will respect such orders to the extent applicable.

In addition, the College can also impose no-contact conditions on students, employees and third parties over which it has some measure of control. The College will inform complainants of their options in this regard.

Informal Resolution

Informal resolution is a voluntary option that does not involve a hearing process or other determination about whether a violation of Landmark College policy occurred. At any time prior to reaching a determination regarding responsibility, the College may facilitate an informal resolution process where requested by one party and agreed to by the other party. If a party requests the initiation of an informal resolution process and the Title IX coordinator agrees that the matter is appropriate for informal resolution, both parties will be given information about the College's informal resolution options.

A party may withdraw from the informal resolution process at any time prior to the execution of a written informal resolution agreement. After a final informal resolution is agreed to in writing between the parties, neither party may initiate a formal resolution process regarding substantially the same factual allegations.

Agreement to participate in an informal resolution does not prevent you from filing a complaint with the police.

Explanation of Procedures for Institutional Disciplinary Action

A complaint is 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.

Landmark College's process for addressing complaints of Prohibited Conduct and related retaliation is summarized below. In the event of any differences between this summary and the more detailed terms in the Landmark College Student Handbook, the language in the Landmark Handbook prevails over the language of this summary.

Landmark's procedures:

- are prompt, fair, and impartial from the initial investigation to the final result;
- are conducted by professionals who receive, at a minimum, annual training on issues related to sexual misconduct, dating and domestic violence and misconduct, and stalking, and on how to conduct a prompt, fair, and impartial investigation and adjudication process that protects the safety of reporting individuals and promotes accountability;
- where applicable, provide both parties with the same opportunities to have others present during any related meeting, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice;
- provide for simultaneous notification, in writing, to both parties of
 - the result of Landmark's disciplinary proceedings,
 - Landmark's procedures for the reporting individual and the respondent to appeal the result of our disciplinary procedures, if available,
 - any change to the result before it becomes final, and

- when the result becomes final;
- are conducted in a manner that is consistent with Landmark’s policies and transparent to both parties;
- include timely notice of meetings at which the reporting individual and respondent may be present;
- provide timely and equal access to both parties and appropriate officials to any information that may be used during the process; and
- are conducted by professionals who do not have a conflict of interest or bias for or against the reporting individual or the respondent.

Landmark utilizes trained, experienced investigators to conduct investigations into complaints of sexual misconduct, domestic and dating violence and misconduct, and stalking. When hearings are required, Landmark utilizes trained, experienced administrators to serve as hearing officers and determine whether the policies under investigation were violated.

In general, these matters are resolved through the Title IX Investigation and Resolutions Procedure, and the investigation process proceeds as follows:

- The investigator interviews parties and witnesses, and collects evidence.
- After the investigator has completed witness interviews and the gathering of evidence, the investigator will prepare a preliminary report.
- Landmark will provide each party with an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised and the preliminary report.
- The reporting individual and the respondent will have an opportunity to review the preliminary report within the same time period and provide written responses to the report.
- After considering any written response submitted by either party, the investigator will prepare a final report that fairly summarizes relevant evidence and provides a recommendation as to whether the respondent should be found responsible for violating the policy provisions at issue. This report is shared with the parties and the staff member serving as the hearing officer for the investigation at least 10 days prior to the hearing on the matter.
- The Hearing Officer presides over a hearing on the matter. Each party has the option to cross-examine any witness or party whose statements will be considered in determining whether a violation has occurred by directing questions through the Hearing Officer. Parties are never required to directly interact with or be cross-examined by each other.
- Using the preponderance of the evidence standard (“more likely than not”), the Hearing Officer then makes the official determination as to whether the policies under investigation have been violated. If a policy violation is found, the sanctions are determined by the Hearing Officer.
- Both parties are provided with equal appeal rights, as applicable, to the extent appeal rights are provided. The governing, detailed procedures are outlined further in the Title IX Investigation and Resolutions Procedure.
- Sanctions for students found to have violated the Policy could include written reprimands, probationary status, an official letter of discipline, or suspension or expulsion from any or all Landmark program(s) in which the student is enrolled or participating. Other non-

disciplinary actions deemed appropriate may also be implemented (i.e., remedies applied to the respondent to address the needs of the reporting individual, including but not limited to room changes, class changes, building restrictions, extracurricular activity restrictions, modification of No Contact Orders to favor the reporting individual, and other actions to preserve the rights of the reporting individual to a safe environment).

- Sanctions for employees found to have violated the Policy may include written reprimands, or suspension or termination of employment. Non-disciplinary measures (e.g., No Contact Orders or reassignment of duties or work areas) might also be taken as deemed appropriate under the circumstances.
- There are some matters which may not be resolved through the Title IX Investigation and Resolutions Procedure, in which case they will be resolved through other policies such as the Non-Discrimination Investigation and Resolutions Procedure or General Conduct Procedures.