



## **2023 ANNUAL SECURITY & FIRE SAFETY REPORT**

16 Sterling Drive  
Craftsbury Common, VT 05827

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## **SAFETY AND SECURITY**

Sterling has no security officers. Since there are no local off-campus law enforcement services, there is no direct monitoring of off-campus criminal activity. Although a written memorandum of understanding does not exist, police and other first responders will respond to calls for service to our campus community to investigate alleged criminal offenses.

Members of the Sterling community work hard to take care of themselves and each other. Students monitor their residences and shared spaces for cleanliness, safety, appropriate behavior, and uninvited visitors. Weekly community meetings and House Meetings are two forums for discussing security problems and encouraging students to be responsible for the health and safety of their community. Please refer to the Commitment to Shared Responsibility during the Covid-19 pandemic.

There are telephones located in every building on campus in Vermont. Each phone is equipped with local and long-distance access. Dial 9 + number for all non-digital phones. Relevant cell phone numbers (Community Advisors, Student Life staff) are provided at the start of each semester, via email, posted materials, and orientation sessions.

### **EMERGENCY RESPONSE**

This section describes the procedures that Sterling will use to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus or in the Craftsbury area, the process that Sterling will use to confirm that there is a significant emergency or dangerous situation, to determine the appropriate segment or segments of a campus community to receive a notification, and to determine the content of the notification. In all cases, Sterling will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the applicable notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or otherwise mitigate the emergency.

### **EMERGENCY NOTIFICATION**

In the event of an immediate or ongoing threat to the safety of the students, employees or campus, the community will be notified immediately through email, announcements, and the Sterling College website. Students should take responsibility for regularly checking their email and attending all community meetings. In order to receive campus-wide email announcements, students must



have a College email account, which is obtained prior to registration. Registration is mandatory for all students, employees, and other members of the campus community. If necessary, the College would disseminate information about an on-campus emergency situation to the larger community by contacting local first responder authorities.

## EMERGENCY PROTOCOL

In the event of an emergency, treat any injuries with first aid to the extent that you are qualified. All Student Life staff at Sterling College are CPR / 1st Aid certified, and/or are trained as Wilderness First Responders.

The Sterling College Emergency Pager (802-290-9931) is held by a faculty/staff member after business hours and a Community Advisor to help assist in obtaining emergency assistance. During business hours, the Dean of Community is considered 'on-call' and is accessible to all students.

**Favor Ellis, Dean of Community:** (802) 587-7711 x127 [fellis@sterlingcollege.edu](mailto:fellis@sterlingcollege.edu)

## MEDICAL EMERGENCY

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### IF IN IMMEDIATE DANGER:

- **Call 911** to connect to the State Police (Derby, VT), Fire (Craftsbury, VT), or Ambulance (Hardwick, VT)
- **Call for additional assistance** by calling Sterling College's On-Call Emergency Pager and / or find a Community Advisor or Sterling Employee
- **Remain Calm** and provide comfort to sick or injured person
- **Do not leave** them alone, provide First Aid only if certified
- **Follow directions** from Emergency Personnel. Be sure to provide an address and do not hang up until the dispatcher does.

### ADDITIONAL RESOURCES IF THE PERSON NEEDS IMMEDIATE MEDICAL CARE

- **Poison Control Center:** 800-222-1222

### Vermont

- **Copley Hospital & Emergency Room**  
528 Washington Hwy, Morrisville, VT 05661 Phone: 802- 888-4231

### Local Urgent Care Centers:

#### Vermont

- **ExpressCare Berlin** 1311 Barre-Montpelier Rd, Berlin, VT 05602  
Phone: 802-371-4239 Hours: Mon-Sun: 9am-7pm
- **ExpressCare Waterbury** 76 McNeil Rd, Waterbury Center, VT 05677 Phone:  
802-241-1532 Hours: Mon- Sun: 9am-7pm

## MENTAL HEALTH EMERGENCY

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### ASSESS THE SITUATION...

When helping a person in crisis/distress it can be hard to know what level of support is needed. Take time to assess the situation by asking questions. Listening non-judgmentally and staying calm can assist you in getting to the most helpful response. Sometimes it requires calling 911. Sometimes all a student needs is someone to sit with while they are upset and to validate how they are feeling.

### IF THE PERSON NEEDS IMMEDIATE MEDICAL OR PSYCHIATRIC ATTENTION...

- **Call 911** to connect to the State Police (Derby, VT), Fire (Craftsbury, VT), or Ambulance (Hardwick, VT)
- **Call for additional assistance** by calling Sterling College's On-Call Emergency Pager at 802-290-9931 or find a Community Advisor or Sterling Employee
- **Remain calm** and provide comfort to the sick or injured person, do not leave them alone.
- **Provide First Aid** if you are certified
- **Follow directions** from Emergency Personnel. Be sure to provide an address and do not hang up until the dispatcher does

### IF YOU'RE NOT SURE BUT ARE CONCERNED...

Contact a Community Adviser and/or Sterling College's On-Call Emergency Pager at 802-290-9931 to receive assistance in assessing the situation

### IF THEY ARE "SAFE" AND YOU WANT TO PROVIDE RESOURCES...

#### *Phone Services:*

**National Suicide Prevention Lifeline** 1-800-273-8255 (TALK)

TTY: 1-800-799-4889

**Trevor Lifeline** 1-866-488-7386

A national 24 hour, toll free confidential suicide hotline for LGBTQ youth

**AWARE** 802-472-6463

Confidential Domestic & Sexual Violence Services Hotline based in Hardwick, VT

#### *Text & Webchat Services:*

**National Suicide Prevention Lifeline Chat:**

<https://suicidepreventionlifeline.org/chat/>

Connects individuals with counselors for emotional support and other services via web chat, free, 24/7

**Crisis Text Line:** Text "VT" TO 741741

## **BUILDINGS AND GROUNDS EMERGENCY**

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IF IN IMMEDIATE DANGER...

- **Evacuate** from building or structure.
- **Direct** everyone to leave as you exit and to meet in a designated area, if safe to do so.
- **Call 911** to connect to the State Police (Derby, VT), Fire (Craftsbury, VT), or Ambulance (Hardwick, VT)
- **Call for additional assistance** by calling Sterling College's On-Call Emergency Pager at 802-290-9931 and / or find a Community Advisor or Sterling Employee

ADDITIONAL RESOURCE FOR IMMEDIATE BUILDING & GROUNDS NEEDS:

**Sterling College's Vermont Facilities Emergency Pager: 802-290-9932**

## **REPORTING PROCEDURES**

### **ACCURATE AND PROMPT REPORTING**

All members of the Sterling community are encouraged to report emergencies and suspicious and criminal activities. Community members are likewise encouraged to report crimes to appropriate law enforcement agencies when the victim of a crime elects to, or is unable to, make such a report. All staff and faculty, and all students with supervisory responsibilities, are considered Campus Safety Authorities, and are required to report emergencies and suspicious and criminal activities to the Dean of Community.

In an emergency, dial 911 and notify the nearest Community Advisor, faculty, or staff member.

- Report the incident to the Chair of Risk Management directly and through an [Incident Report](#).
- Non-emergency injuries should be reported to the Dean of Community directly and through a [Community Accountability Report](#)
- Suspicious activity should be reported to the nearest Community Advisor, faculty, or staff member.

If sexual misconduct (including sexual assault or inappropriate sexual conduct), domestic violence, dating violence or stalking occurs, staff on the scene, including

the Dean of Community, will offer the victim a wide variety of support services and options for filing [a report](#).

If you are the victim of a crime and do not want to pursue action within the College or the criminal justice system, you may still want to consider making a confidential report. With your permission, the Dean of Community can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the College can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

## **CONFIDENTIAL REPORTING**

Sterling encourages individuals to report incidents of sexual misconduct, domestic violence, dating violence, stalking and related retaliation so that they can get the support they need, and so that Sterling can respond appropriately. Certain professionals contracted by Sterling may maintain confidentiality, but most cannot. Although strict confidentiality may therefore not be guaranteed for non-confidential employees, in all cases Sterling will handle information in a sensitive manner and will endeavor to protect the privacy of individuals to the extent it can do so consistent with its obligations to respond to reports of sexual misconduct, domestic violence, dating violence, stalking and/or related retaliation.

A student may seek confidential counseling and resources through contracted mental health counselors. Contracted mental health providers, 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 expected to inform students of all available resources, and are encouraged to explain that the counselor could inform the Dean of Community of the crime solely for statistical purposes, keeping the victim's name anonymous. If the victim agrees, the counselor would file a report, excluding all identifying information. Contracted mental health counselors are expected to inform the Dean of Community if there is an imminent safety risk to the community.

## **TIMELY WARNING**

Sterling will issue timely warnings regarding crimes that are reported to Sterling by Campus Safety Authorities, local law enforcement, or others (except for contracted mental health counselors who receive reports of crimes while acting in their

capacity as such, unless the person being counseled waives anonymity and authorizes reporting) that are considered by Sterling to represent a threat to students and/or employees. Sterling will not distribute warnings that could jeopardize criminal investigations. The circumstances of the reported crime will determine how much and what information Sterling distributes. Sterling and its designees will withhold as confidential the names and other identifying information of victims.

Criminal incidents that might prompt a timely warning include but are not limited to the Clery crimes listed below (that is, aggravated assault, arson, burglary, negligent manslaughter, motor vehicle theft, murder/non-negligent manslaughter, robbery, sexual offenses, domestic violence, dating violence, stalking, and hate crimes).

The following criteria will determine whether timely warnings will be issued:

- The nature of the crime
- The continuing danger to the campus community
- The possible risk of compromising law enforcement efforts

The Dean of Community (or their designee) is responsible for issuing timely warning notices. The warning will be issued via email and will be posted on the Sterling website. Depending on the circumstances of the crime or threat, the Dean of Community may post the notices in the residence hall(s) or academic building(s). Sterling may also issue warnings to the campus community when other situations pose safety concerns or otherwise as deemed appropriate.

## **DAILY CRIME AND FIRE LOG**

The Dean of Community maintains a combined Daily Crime Log and Fire Log of all incidents reported to have occurred on campus or non-campus property. The log is located in the Dean of Community's office in Mager Hall. This log identifies the type, general locations, time occurred, time the incident was reported, and the disposition of the complaint, if known. Exceptions may be made if such disclosure would jeopardize the confidentiality of the victim.

# **GENERAL EMERGENCY AND EVACUATION PROCEDURES**

## **FIRE EVACUATION**

Familiarize yourself with your building's evacuation procedures. Locate the nearest exit and fire extinguisher.

- If you smell smoke or detect a fire, activate the nearest alarm, if possible, and call 911 from a safe location.
- Evacuate as soon as you hear the alarm.
- Before opening any door, use the back of your hand to test its temperature. Also check the door knob's temperature. If either is hot, leave the door closed, stuff towels or clothes in the cracks, and open a window. Look for another exit.
- If the door isn't hot, open it slowly and be prepared to close it quickly if necessary.
- In a smoke-filled area, keep low to the floor to avoid inhaling smoke.
- If you see or smell smoke in a hall or stairway, use another exit.
- Close doors as you leave.
- Exit the building cautiously. Carry a towel or blanket to protect yourself from flames or smoke.
- If the exit is blocked, return to your room; close the door, open a window and call for help.
- Report to your emergency assembly point and check in with your Community Advisor.
- Report anyone who might be missing.
- A Community Advisor will direct you to another safe location to shelter in inclement weather.
- Do not re-enter the building until the administrator on call advises that the Fire Department has indicated that it is safe to re-enter.

## **ACTIVE THREAT**

The U.S. Department of Homeland Security defines an active shooter as an individual actively engaged in killing or attempting to kill people in a confined and populated area; in most cases, the victims are chosen at random.

Because active-shooter situations are often over within 10 to 15 minutes, and before law enforcement arrives on the scene, individuals must be mentally and physically prepared to survive.

If you are involved in a situation where someone has entered the area, the following is a list of actions that are recommended. These kinds of incidents are unpredictable. The guidelines provided are based on past experiences. Other

actions may be necessary. If the individual poses an immediate threat to you, you may need to act using your best judgment.

If you can safely leave the area:

- Exit the building immediately.
- Notify anyone you may encounter to exit the building also.
- Leave the campus if you can safely do so. Attempt to let a supervisor or fellow worker know that you are leaving so that everyone can be accounted for.
- Call 911 and the Sterling College Emergency Pager: 802-290-9931.
- Give the dispatcher the following information:
  1. Your name
  2. Location of the incident (be as specific as possible)
  3. Number of armed people involved (if known)
  4. Identification or description of armed persons
  5. Number of persons who may be at risk
  6. Your contact information and location

If you are at immediate risk and exiting the building is not possible:

- Go to the nearest room or office.
- Close and lock the door.
- Cover the door windows.
- Keep quiet and act as if no one is in the room.
- DO NOT answer the door.
- Be aware that a fire alarm might have been pulled by an intruder.
- Identify/obtain an object in the room that can be used to incapacitate the armed person if she/he enters the room.
- If possible, call 911 and call the Sterling College Emergency Pager: 802-290-9931.
- Give the dispatcher the following information:
  1. Your name
  2. Location of the incident (be as specific as possible)
  3. Number of armed people involved (if known)
  4. Identification or description of armed persons
  5. Number of persons who may be at risk
  6. Your contact information and location
- Wait for local police to assist you out of the building.

If an armed intruder enters the room and you are in immediate danger:

- Commit mentally to incapacitating the intruder

- Strike the intruder with an object and continue to strike until the intruder is incapacitated. Yell as you fight.
- Call 911 when possible.

## **EARTHQUAKE PREPAREDNESS**

Falling objects cause most injuries during earthquakes, so remove heavy objects from shelves above beds or desks and place them on lower shelves. Secure free-standing cabinets, bookcases, and other tall furniture to the wall. If you can't secure them, place them where they're not likely to fall and cause injury. Desks, chairs, or beds should not be directly next to or under a window. If it's impossible to avoid such an arrangement, sit and sleep with your head away from the windows. Keep plants and other free-swinging objects away from windows so they'll not break the windowpane.

At the first indication of an earthquake, move to a safe area (either under sturdy furniture, an interior door frame, or braced in an interior corner), away from shelves and windows, and keep faces and heads covered for protection from broken glass and falling debris. Remember to duck, cover, and hold.

If you're inside, don't rush outside, as there may be hazards from falling debris.

If you're outdoors, stay there. If possible, move to an open area away from buildings, trees, overhead power lines, brick walls, and falling objects. Stay low to the ground and look for hazards that may require moving to a safer area.

If you're in a car, pull over and stop in a safe area away from trees, power lines, bridges, overpasses, and buildings. Stay inside the car. If live wires should fall across the car, remain still until help arrives. Cars are usually well insulated and will provide protection against electricity.

Develop a personal emergency plan. Doing so will increase your personal safety if there's an earthquake, provide necessary resources and training for handling an earthquake's aftermath, and help put family and friends at ease. Keep on hand a flashlight, too, in case of power outages.

After an earthquake, local telephone lines and cellular service may have reduced capacity. Don't make calls immediately after an emergency unless you're in danger. That way, lines can remain available for emergency services.

To stay in contact with your relatives after an emergency, call an out-of-state friend or family member. Ask this person to call your relatives and friends and tell them you're safe.



## **MISSING STUDENT POLICY**

Sterling will actively investigate any report of a missing student who is enrolled at the College. If a member of the Sterling community has reason to believe that a student is missing, all possible efforts are made to locate the student to determine their state of health and well-being. This effort is coordinated by the Dean of Community, in collaboration with the Residential Life team and the missing student's family and friends.

If not located within 24 hours, appropriate family members, associates, or a College official will make an official missing person report with local law enforcement, unless the law enforcement agency was the entity that made the determination that the student is missing. Sterling will cooperate with, aid, and assist the primary investigative agency in all ways prescribed by law.

If a student has been missing for 24 hours, students, employees, or other individuals should make a report to the Dean of Community. Each student may identify a contact person or persons whom the College will notify within 24 hours of the determination that the student is missing, strictly for missing person purposes. This contact person's information will be registered confidentially, meaning it will be accessible only to authorized campus officials and it may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation. If students are under 18 years old, and not emancipated, the College must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

## **EMERGENCY RESPONSE PRACTICE SCENARIOS**

The College's emergency response and evacuation procedures are tested on at least an annual basis. Tests may be announced or unannounced. Tests are scheduled, contain drills, contain exercises, contain follow through activities, and are designed for assessment and evaluation of emergency plans and capabilities.

The College publicizes its emergency response and evacuation procedures in conjunction with at least one test per calendar year. Each test is documented, including a description of the exercise, the date, the time, and whether it was announced or unannounced. The documentation is kept for seven years.

## **CRIME PREVENTION**

All new students, faculty and staff receive training on active threat response through community-wide Incident Response Scenarios, held each semester. During orientation, (A Sense of Place), students receive information on how to contact emergency supports and are, during residence hall meetings, instructed on residential safety, locking their doors, and reporting suspicious people and circumstances. Sterling can offer the following suggestions about personal safety issues. These are, of course, only general observations; you must decide what is most prudent for keeping yourself and your property safe in particular situations.

### **PERSONAL SAFETY**

Our campus is located in Craftsbury Common, which is a relatively safe locations, but in any community there can be crime. Here's how you can do your part:

- Be aware of your vulnerability; follow the measures of self-protection and property protection outlined here.
- Refer or report all unknown or unexpected visitors to a Community Advisor or the Dean of Community.
- Do not disclose the whereabouts of any community member to any unknown or unexpected guest. Instead, refer them to the Dean of Community or administrators in Mager Hall.
- Be alert for suspicious or criminal activity and for conditions that may represent hazards to the community.
- Get involved by becoming more security conscious and by reporting all incidents of suspicious or criminal activity, no matter how insignificant they may appear, immediately to the Dean of Community or a Community Advisor.
- Remember that unreported crimes cannot be solved. This allows the perpetrators to commit additional, and possibly more serious, crimes.

### **WALKING OR RUNNING OR SKIING SAFETY**

- Avoid traveling alone at night. Instead, travel in pairs.
- Avoid dark, vacant, or deserted areas; use well-lit, regularly traveled pathways. Runners, walkers, or joggers should face traffic. If you're out after dark, use extra precautions: stay in pairs, travel well-lit areas, and wear reflective clothing or tape. Carry a flashlight or wear a headlamp.
- Always let someone know where you're going and when you'll return.

- Be alert and aware of your surroundings at all times. Walk purposefully and confidently. Keep moving.
- Don't hitchhike or accept rides from casual acquaintances.
- If you are threatened by an approaching vehicle, run in the opposite direction. The vehicle will have to turn around to follow you.
- If you think you're being followed or feel threatened: increase your pace and move away from the threat; join any group of people nearby; cross the street, and, if necessary, keep crossing back and forth. If someone pursues you, run to a business, residence, or well-lit area. Call for help, scream, or raise a commotion. Enlist the aid of a passerby. Find a phone and dial 911 or pull a fire alarm. Do anything that will attract attention or summon assistance. If you're walking alone and someone passes you, check to make sure that person is continuing to walk in the other direction. If you're confronted by an assailant, yell and struggle. Keep your head and assess the situation.

## **RESIDENCE HALLS AND PRIVATE RESIDENCES**

- Lock your room door and windows when you go to sleep or when you leave, even if only briefly; take your keys with you.
- Immediately report defective locks on your windows and doors to your Community Advisor
- Don't put your name and address on keys or key rings.
- Don't keep your residence and your vehicle keys on the same ring.
- Don't study in poorly lit, secluded areas.
- Require visitors to identify themselves before you open your door.
- Request official identification from all unfamiliar repair or service personnel.
- Get to know your neighbors so you can help one another.
- If you discover someone has entered your room, DON'T GO IN. Go to a neighbor and contact your Community Advisor. If you're already inside, DON'T TOUCH ANYTHING. You may disturb evidence important to a police investigation.
- If you're awakened by an intruder, don't try to apprehend them. They may be armed or may easily arm themselves with something in your room. Attempt to get out of the room if it's possible.
- If you see a suspicious person or vehicle, either on campus or in your neighborhood, IMMEDIATELY contact a Community Advisor. Try to get the license plate number, state, and description of the vehicle, but don't chase the car to do so.
- Don't prop open doors to residence halls or other College buildings.
- People outside the College community are prohibited from soliciting in residence halls. If you see an outside solicitor in the dorms, immediately report this to your Community Advisor or Dean of Community.

- Don't yell or attempt to detain peeping toms, who may panic and react unpredictably. If the offender runs away, and you can safely observe this person, watch to see if this person gets into a car, goes to another dorm, etc. Also observe the person's physical bearing. Then immediately report the incident by contacting your Community Advisor.
- Hang up on obscene, harassing, or annoying phone calls. Don't respond to harassing messages, nor try to find out who the caller is even if you think it's a friend playing a joke. Keep the message or text and then report its contents to the Dean of Community. This will be useful to the police, if there is a police report.

## **SAFETY WHILE TRAVELING OFF CAMPUS**

- When you park, keep your vehicle locked and the windows rolled up.
- Have your key ready when you approach your car. Check inside and under your car to make sure no one is hiding in either place.
- Never leave your vehicle unattended with the engine running.
- Choose to park in well-lit lots, preferably in heavily traveled areas.
- Lock all packages, luggage, and valuables in the trunk or out of sight.
- Keep spare keys in your wallet, purse, or bag, not inside the vehicle.
- If your car breaks down, open the hood and then stay locked inside the vehicle. If someone stops to help, don't open your window or door, but ask that this person call for assistance.
- If you're unfamiliar with the location you're heading to, ask someone for specific directions before you leave.
- If you get lost, don't pull over until you find a well-lit public area where you can ask for directions.
- If you suspect you're being followed, drive to a well-lit public area and call the police.
- If someone with a weapon confronts you, wanting your vehicle, give the car up. It's not worth potentially being injured or losing your life over it.

## **PROTECTION OF PROPERTY**

Most crimes committed on college campuses involve the theft of personal property. Larcenies are crimes of opportunity and occur primarily when property is left in unlocked or unattended areas.

### Residential locations

- Avoid bringing large amounts of cash or valuables to campus or your residence.

- Keep valuable items out of sight. If you must keep cash or valuables in your room, don't store them in obvious hiding places like desks or dressers.
- Never lend out the key to your room or residence.
- Keep all prescription medications in a locked storage box.
- When leaving your vehicle at a service station or parking garage, leave only the ignition key. When leaving for vacation, store valuable electronic equipment out of sight, and during summer recess, don't leave valuables in student storage areas. These areas aren't secure and the College isn't responsible for property loss. The college does have a secure storage area.
- Check with your family insurance agent to determine if your property is covered under your parents' homeowner's insurance. If not, consider purchasing your own insurance.

## **INTERNET SAFETY**

### **WHAT IS INTERNET FRAUD?**

Generally, it's any fraud scheme that uses one or more components of the Internet— including chat rooms, email, message boards or websites—to present fraudulent solicitations, to conduct fraudulent transactions, or to transmit the proceeds of fraud to either financial institutions or others involved in the scheme.

### **WHAT ARE THE MAJOR TYPES OF INTERNET FRAUD?**

- Auctions and retail schemes; online auctions are the primary avenue for internet fraud
- Business-opportunity or work-at-home schemes
- Identity theft and fraud
- Investment schemes
- Credit card offers
- Credit repair
- Vacation prize promotions
- Nigerian money offers: someone claiming to be a Nigerian official promises big profits in exchange for help moving large sums of money out of Nigeria
- Advance-fee loans
- Internet-access services
- Health and diet scams
- Free goods, such as long-distance phone cards, computers, electronics, etc.
- Cable-descrambler kits

## **FILING COMPLAINTS ABOUT INTERNET FRAUD**

You can file complaints about specific types of fraud with the following agencies:  
Commodities Fraud: Commodity Futures Trading Commission (CFTC)  
Securities Fraud: SEC Enforcement Division Complaint Center or your state securities regulators

If you think you've been the victim of an Internet fraud scheme, you can also file a complaint online with the Internet Fraud Complaint Center, a joint project of the FBI and the National White Collar Crime Center. Further Information may be located at these government websites:

- U.S. Department of Justice
- Internet Fraud Complaint Center
- Federal Deposit Insurance Corporation
- Securities and Exchange Commission

And at these non-governmental websites:

- Better Business Bureau
- Internet Fraud Watch
- Internet ScamBusters
- National Cyber Security Alliance

## **BICYCLING SAFETY**

Bike riders are responsible for their own safety and Sterling does not make or enforce rules about bike riding. Nonetheless, it is consistent with good common sense that you should ride responsibly and always wear a helmet, not weave or change lane positions, and make sure that your brakes and other components of your bicycle are in working order.

- Vermont state law requires a white front light and rear red light for night riding. Also, wearing bright, reflective clothing will increase your visibility and help reduce conflicts.
- Generally, bicyclists should ride with the flow of traffic, on the road's right-hand side.
- Don't ride the wrong way on a one-way street.
- Cyclists should obey all traffic laws and always use hand signals when turning.

- Pay attention to your surroundings: keep alert, don't wear headphones, and warn pedestrians or fellow riders when you're passing them. Also warn vehicle drivers if their driving places you in danger.
- Take extra care when passing parking lot exits or biking through a parking lot.
- Walk bicycles across crosswalks to avoid bicycle/vehicle collisions.

## CRIME STATISTICS

In an effort to provide members of the campus community with information about campus crime and crime-related problems, Sterling College reports crimes using the definitions as described in the Federal Bureau of Investigation's Uniform Crime Reporting program. Additionally, officials of the College with significant responsibility for students and campus activities are required by federal law to notify the Dean of Community of crimes that are defined under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. This section contains reporting information for the Sterling College campus and its non-campus properties, and for crimes reported to law enforcement, occurring in Craftsbury.

- **Criminal Offenses**—Criminal Homicide, including: a) Murder and Non-negligent Manslaughter, and b) Manslaughter by Negligence; Sexual Assault including: Rape, Fondling, Incest, and Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.
- **Hate Crimes**—Any of the above-mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that were motivated by bias;
- **VAWA Offenses**—Any incidents of Domestic Violence, Dating Violence, and Stalking; and
- **Arrests and Referrals** for Disciplinary Action for Weapons—Carrying, Possessing, etc., Drug Abuse Violations and Liquor Law Violations.

The President's Council and Risk Management Committee review all crimes for manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, religion, sexual orientation, gender, gender presentation, ethnicity, or disability. Any student, faculty member or employee who is the victim of a bias-motivated incident or hate crime is encouraged to file a report immediately. The College takes all reports seriously and will thoroughly investigate every incident and work with local law enforcement agencies whenever necessary.

The following statistics are provided in accordance with Title II of the Federal Student Right to Know and Campus Security Act. The listed criminal offenses were reported to the Dean of Community, the President of the College, and local police.

### CLERY ACT AND VAWA REPORTING, 2022

<b>Offense</b>	<b>Year</b>	<b>On-campus Property</b>	<b>On-campus Student Housing Facilities</b>	<b>Non-campus Property</b>	<b>Public Property</b>
<b>Criminal Offenses</b>					
<b>Murder/Non-negligent Manslaughter</b>	2022	0	0	0	0
	2021	0	0	0	0
	2015-2020	0	0	0	0
<b>Manslaughter by Negligence</b>	2022	0	0	0	0
	2021	0	0	0	0
	2015-2020	0	0	0	0
<b>Rape</b>	2022	0	0	0	0
	2021	1	1	0	0
	2015-2020	1	2	0	0
<b>Fondling</b>	2022	0	0	0	0
	2021	0	0	0	0
	2015-2020	1	0	0	0
<b>Incest</b>	2022	0	0	0	0
	2021	0	0	0	0
	2015-2020	0	0	0	0



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<b>Offense</b>	<b>Year</b>	<b>On-campus Property</b>	<b>On-campus Student Housing Facilities</b>	<b>Non-campus Property</b>	<b>Public Property</b>
<b>Statutory Rape</b>	2022	0	0	0	0
	2021	0	0	0	0
	2015-2020	0	0	0	0
<b>Robbery</b>	2022	0	0	0	0
	2021	3	0	0	0
	2015-2020	0	0	0	0
<b>Aggravated Assault</b>	2022	0	0	0	0
	2021	0	0	0	0
	2015-2020	0	0	0	0
<b>Burglary</b>	2022	0	0	0	0
	2021	0	0	0	0
	2015-2020	0	1	0	0
<b>Motor Vehicle Theft</b>	2022	0	0	0	0
	2021	0	0	0	0
	2015-2020	0	0	0	0
<b>Arson</b>	2022	0	0	0	0
	2021	0	0	0	0
	2015-2020	0	0	0	0

<b>Offense</b>	<b>Year</b>	<b>On-campus Property</b>	<b>On-campus Student Housing Facilities</b>	<b>Non-campus Property</b>	<b>Public Property</b>
<b>VAWA Offenses</b>					
<b>Domestic Violence</b>	2022	0	0	0	0
	2021	0	0	0	0
	2015-2020	0	0	0	0
<b>Dating Violence</b>	2022	0	0	0	0
	2021	0	0	0	0
	2015-2020	0	0	0	0
<b>Stalking</b>	2022	0	0	0	0
	2021	0	0	0	0
	2015-2020	0	0	0	0
<b>Arrests and Disciplinary Referrals</b>					
<b>Arrests: Weapons: Carrying, Possessing, Etc.</b>	2022	0	0	0	0
	2021	0	0	0	0
	2015-2020	0	0	0	0
<b>Disciplinary Referrals: Weapons: Carrying, Possessing, Etc.</b>	2022	0	0	0	0
	2021	0	0	0	0
	2015-2020	0	0	0	0
<b>Arrests: Drug Abuse Violations</b>	2022	0	0	0	0
	2021	0	0	0	0

<b>Offense</b>	<b>Year</b>	<b>On-campus Property</b>	<b>On-campus Student Housing Facilities</b>	<b>Non-campus Property</b>	<b>Public Property</b>
	2015-2020	0	0	0	1
<b>Disciplinary Referrals: Drug Abuse Violations</b>	2022	0	0	0	0
	2021	0	0	0	0
	2015-2020	2	1	0	0
<b>Arrests: Liquor Law Violations</b>	2022	0	0	0	0
	2021	0	0	0	0
	2015-2020	0	0	0	0
<b>Disciplinary Referrals: Liquor Law Violations</b>	2022	0	0	0	0
	2021	0	0	0	0
	2015-2020	0	0	0	0
<b>Hate Crimes</b>					
<b>Murder/Non-negligent Manslaughter</b>	2022	0	0	0	0
	2021	0	0	0	0
	2015-2020	0	0	0	0
<b>Rape</b>	2022	0	0	0	0
	2021	0	0	0	0
	2015-2020	0	0	0	0
<b>Fondling</b>	2022	0	0	0	0
	2021	0	0	0	0

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<b>Offense</b>	<b>Year</b>	<b>On-campus Property</b>	<b>On-campus Student Housing Facilities</b>	<b>Non-campus Property</b>	<b>Public Property</b>
	2015-2020	0	0	0	0
<b>Incest</b>	2022	0	0	0	0
	2021	0	0	0	0
	2015-2020	0	0	0	0
<b>Statutory Rape</b>	2022	0	0	0	0
	2021	0	0	0	0
	2015-2020	0	0	0	0
<b>Robbery</b>	2022	0	0	0	0
	2021	0	0	0	0
	2015-2020	0	0	0	0
<b>Aggravated Assault</b>	2022	0	0	0	0
	2021	0	0	0	0
	2015-2020	0	0	0	0
<b>Burglary</b>	2022	0	0	0	0
	2021	0	0	0	0
	2015-2020	0	0	0	0
<b>Motor Vehicle Theft</b>	2022	0	0	0	0
	2021	0	0	0	0
	2015-2020	0	0	0	0

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<b>Offense</b>	<b>Year</b>	<b>On-campus Property</b>	<b>On-campus Student Housing Facilities</b>	<b>Non-campus Property</b>	<b>Public Property</b>
<b>Arson</b>	2022	0	0	0	0
	2021	0	0	0	0
	2015-2020	0	0	0	0
<b>Simple Assault</b>	2022	0	0	0	0
	2021	0	0	0	0
	2015-2020	0	0	0	1
<b>Larceny/ Theft</b>	2022	0	0	0	0
	2021	0	0	0	0
	2015-2020	0	0	0	0
<b>Arson</b>	2022	0	0	0	0
	2021	0	0	0	0
	2015-2020	0	0	0	0
<b>Intimidation</b>	2022	0	0	0	0
	2021	0	0	0	0
	2015-2020	0	0	0	0
<b>Destruction / Damage / Vandalism of Property</b>	2022	0	0	0	0
	2021	0	0	0	0
	2015-2020	1	0	0	0

## **RESPONSE TO DISCRIMINATION, HARASSMENT, SEXUAL VIOLENCE, DATING VIOLENCE, DOMESTIC VIOLENCE AND STALKING**

Locate entire policy here (beginning on page 157):  
<https://www.sterlingcollege.edu/wp-content/uploads/2022/08/Student-Handbook-for-Fall-2022-FINAL.pdf>

Sterling College prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as those terms are defined in the Clery Act, and as described in Sterling policies below. We are committed to creating and maintaining a physically and emotionally safe environment for all students. Sterling College recognizes that harassment, discrimination, and sexual assault are unlawful as well as damaging to individuals and to the community, and therefore, constitute a violation of Sterling College policy. It is also unlawful for College employees to retaliate against persons who bring forward complaints regarding discrimination, harassment, and sexual offenses.

Sterling College is committed to:

- fostering community responsibility, which promotes a safe environment;
- facilitating respectful dialogue about diversity issues and healthy relationships;
- providing education about the importance of consent in sexual relations;
- providing education regarding sex offenses;
- supporting people against whom offenses have been perpetrated, including making all reasonable efforts to provide a safe environment for pursuing complaints regarding offenses;
- responding with swift disciplinary action against offenders.

This policy applies to all administrators, employees, admissions or employment applicants, students, members of the Board of Trustees, agents of the College and volunteers involved in College-related activities. The policy also applies to those who do business with the College in their interactions with members of the College community. Compliance with this policy is a term and condition of student enrollment and employment at the College. An individual who violates this policy may be subject to disciplinary action. Depending on the seriousness, sanctions for involvement in harassment or discriminatory activities could include Social

Probation, loss of privileges, suspension, requirement to participate in counseling, or dismissal from the College.

The right to make a complaint is not limited to someone who is the direct target of the harassment. Anyone who has observed discrimination or harassment should report the incident(s) to the Dean of Community (for student to student incidents), to the Dean of Academics (for faculty to student incidents), or to the Title IX Coordinator(s) (for sexual discrimination or harassment). All College personnel are obligated by law to report conduct that may be in violation of the College's Discrimination and Harassment Policy. Contracted mental health providers are the only individuals available to provide support and assistance on a fully confidential basis and will not release any information without the individual's permission except in circumstances in which they believe that the safety and welfare of the individual or others may be at risk or otherwise as required by law. Because of laws requiring that action be taken, the College cannot guarantee the confidentiality of information shared with anyone other than contracted mental health counselors.

## **ANTI-HARASSMENT/DISCRIMINATION POLICY**

Sterling College is committed to maintaining a diverse and inclusive campus environment where bigotry and intolerance are unacceptable. Discrimination and harassment, including sexual harassment, and related retaliation, as defined by applicable law and the corresponding terms of this policy, are antithetical to Sterling's mission. Racial misconduct, including hate speech, or inappropriate conduct toward any individual based on a person's skin color, ethnicity, or national origin, is prohibited.

Sterling strictly prohibits conduct that constitutes unlawful discrimination and harassment, including sexual harassment and racial misconduct as well as related retaliation, as defined below. Sterling will take reasonable and appropriate remedial action to prevent unlawful discrimination, harassment, and related retaliation, eliminate any hostile environment, prevent its recurrence, and correct its discriminatory effects on the complainant and others, if applicable. (Except as otherwise specified herein,) This Anti-Harassment /Discrimination Policy applies to faculty, staff, and students, as well as to others who participate in all Sterling programs and activities, including but not limited to the campus undergraduate programs, Global Field Study programs, Continuing Education programs, the Wendell Berry Farming Program, and the School for the New American Farmstead programs.

Sterling does not discriminate on the basis of sex in its education programs and activities, and Title IX of the Education Amendments of 1972 as amended (“Title IX”), as well as applicable state law, requires that it not discriminate in such a manner. Prohibited sex discrimination includes sexual harassment and sexual misconduct (which includes sexual assault and inappropriate sexual conduct) as defined by Sterling’s policies. The Title IX Coordinator and Deputies are responsible for coordinating Sterling’s efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator’s responsibilities include overseeing all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints. Inquiries concerning the application of Title IX may be referred to the Dean of Community, Vice President of the College, Human Resources and/or to the United States Department of Education Office for Civil Rights.

All members of the Sterling community (faculty, staff, employees, and students) have the right to pursue discrimination and harassment complaints, including sexual harassment, racial misconduct, and related retaliation, beyond Sterling, utilizing local, state, or federal enforcement agencies, including local and state police agencies, as appropriate, regardless of whether they choose to file a complaint under this policy. These agencies can conduct impartial investigations, and facilitate conciliation, and if an agency finds that there is probable cause or reasonable grounds to believe that unlawful harassment, discrimination, or retaliation has occurred, it may take the case to court. There are certain time deadlines for the filing of complaints with state and federal agencies and/or state or federal court. Therefore, individuals who choose to pursue harassment, discrimination, or retaliation charges beyond Sterling’s procedures should contact these agencies or their attorney for further assistance. There are many resources available to individuals who are involved in some way with an incident of discrimination, retaliation, or harassment, including sexual harassment. Faculty, staff or students found to have violated this Anti-Harassment/Discrimination Policy may be subject to the full range of disciplinary actions, as applicable, up to and including termination of employment, suspension, or expulsion.

### **DEFINING HARASSMENT:**

Harassment constitutes a form of discrimination that is defined as verbal or physical conduct directed at an individual’s race, creed, color, national origin, ancestry, religion, sexual orientation, gender, gender identity, marital or civil union status, veteran status or qualified disability, which has the purpose or effect of



substantially interfering with the individual's employment or educational performance, or creating an intimidating, hostile or offensive environment.

### **EXAMPLES OF HARASSMENT:**

Examples of kinds of conduct that may be harassment are unwelcome verbal, written or physical conduct, including but not limited to:

- Pervasive harassment: Threats of intimidation or contact which is not freely agreed upon by both parties; unwelcome touching, patting, pinching or leering; sexually graphic comments about a person's body; sexual advances, stalking; persistent, offensive verbal abuses including propositions, insulting or degrading comments or behavior, jokes, slurs, mimicking, gestures, innuendos, vulgar language; obscene posters, notes or graffiti, telephone or e-mail messages; harassment in work assignments.
- Threats that a person's employment status, conditions of employment, promotional opportunities, status in class, grades, financial aid, enrollment, access to housing, choice in job placement, status of academic or community proposals, may be adversely affected by addressing or resisting racism and other forms of discrimination, as well as addressing or resisting unwanted sexual advances.
- Teaching practices or communications that are demeaning, hostile, or alienating (while the College has a policy supporting academic freedom, behavior that focuses attention on discriminatory characteristics in a context that is irrelevant to the course constitutes a serious violation of the College's Harassment Policy);
- Inappropriate personal attention by an instructor or College official who is in a position to determine a student's grade or otherwise affect the student's academic performance or professional future.
- Microaggressions, which are the everyday verbal, nonverbal, and environmental slights, snubs, or insults, whether intentional or unintentional, which communicate hostile, derogatory, or negative messages to target persons based solely upon their marginalized group membership. In many cases, these hidden messages may invalidate the group identity or experiential reality of target persons, demean them on a personal or group level, communicate they are lesser human beings, suggest they do not belong with the majority group, threaten and intimidate, or relegate them to inferior status and treatment. (Psychology Today)
- Hate speech, which is speech that encourages bias, threatens or insults groups based on race, color, religion, national origin, sexual orientation, gender identity, disability, or other traits.

## **SPECIFIC TYPES OF HARASSMENT:**

In addition to the forms of harassment listed above, other examples of specific types of harassment might include, but are not limited to:

**Disability harassment:** Verbal or physical conduct directed at the characteristics of an individual's disabling condition such as manner of speaking, manner of movement or necessary equipment.

**National Origin harassment:** Verbal or physical conduct directed at an individual's national origin such as negative comments regarding surnames, manner of speaking or customs.

**Racial harassment:** Verbal or physical conduct directed at an individual's race such as words emphasizing stereotypes, comments on manner of speaking and negative references to racial customs. Such racial misconduct includes but is not limited to inappropriate racial comments, slurs, jokes, pictures, objects, threats, physical assaults, intimidation, unequal application of policies, and unequal or biased grading. This encompasses everything from microaggressions to overt racism.

**Religious harassment:** Verbal or physical conduct directed at an individual's religion such as derogatory comments regarding surnames, religious tradition and religious clothing.

**Sexual harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; or
- Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or
- The conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive employment, educational, or living environment.

**Sexual Orientation harassment:** Verbal or physical conduct directed at an individual's sexual orientation, such as negative name-calling and imitating mannerisms.

**Gender harassment:** Verbal or physical conduct directed at an individual's gender, gender identity, or perceived gender identity, such as negative name-calling, imitating mannerisms, consistently and/or intentionally misgendering, consistently and/or intentionally using incorrect gender pronouns, or creating a hostile environment in gender-specific spaces such as bathrooms.

The Discrimination & Harassment Policy applies to all administrators, employees, admissions or employment applicants, students, members of the Board of Trustees, agents of the College and volunteers involved in College-related activities. The policy also applies to those who do business with the College in their interactions with members of the College community. Compliance with this policy is a term and condition of student enrollment and employment at the College. An individual who violates this policy may be subject to disciplinary action. Depending on the seriousness, sanctions for involvement in harassment or discriminatory activities could include verbal or written reprimand, required participation in community projects, loss of privileges, suspension (with or without pay), probation, requirement to participate in counseling, or dismissal from housing, school or employment.

## **Sexual Assault**

Sexual assault is legally defined as compelling another person to engage in a sexual act without consent; by threats, coercion, or fear of bodily injury; by impairing the judgment of that person by administering drugs or other intoxicants without the knowledge or against the will of the other person; if the person is under 16 (unless the persons are married to each other and the act is consensual). Abuse is a crime, even if it is done by someone you know, such as a friend, teacher, or partner.

## **STERLING COLLEGE'S OBLIGATIONS/COMMITMENTS**

Federal regulations require Sterling College to report sex offenses on campus including: sexual assault, aggravated sexual assault, prostitution, obscenity, lewd and lascivious conduct, discrimination and harassment.

Sterling College will keep confidential any reports of sexual assault, and such matters will not be brought before the Student Life Council.

The College will cooperate with victims of sex offenses to make reasonable changes in academic or living situations if requested by the student. If a victim chooses to pursue legal protection, the College will cooperate in the enforcement of civil and criminal protection orders to support victim safety, perpetrator accountability, and educational opportunity.

## **If You Have Experienced Discrimination or Harassment**

You can handle the situation in one of several ways. If the situation warrants, be aware that you can always call 9-1-1 to obtain police assistance.

*Direct approach:* You may make a direct approach to the offender, in person or by letter, describing the offensive behavior and its effect on you.

*Consultation:* You may consult with your Advisor, the Dean of Community, a Title IX Coordinator, any Community Advisor, or anyone else whom you feel comfortable asking for help in addressing your concerns. The above identified people are trained to provide support, inform you of your options, and help you decide how you want to proceed.

*Formal Internal Complaint:* Anyone who believes that there has been a violation of the Discrimination and Harassment Policy may make a formal complaint with the Dean of Community, or in the case of sexual discrimination or harassment, the Title IX Coordinator.

*Formal External Complaint:* You also have the right to go beyond the College and discuss harassment and discrimination concerns with your private attorney or to make a formal complaint to the Vermont Attorney General's Office (802-828- 3171), the Regional Office of the US Department of Education Office for Civil Rights (1-800-421-3481), or the Equal Employment Opportunity Commission Office (617-565-3200).

To make a report under this policy, please contact a Title IX Coordinator, supervisor, dean, or program director. You may also file an electronic report [here](#). See contact information below.

**Tiana Baca**  
**Title IX Coordinator**  
**Faculty**  
[tbaca@sterlingcollege.edu](mailto:tbaca@sterlingcollege.edu)  
**802-586-7711 x 105**

**Lori Collins-Hall**  
Title IX Delegate  
Senior Vice President and Chief Operating Officer  
[lcollinshall@sterlingcollege.edu](mailto:lcollinshall@sterlingcollege.edu)  
607.435.0960 (c)

**John Helms**  
Title IX Delegate

Dean of Work Learning  
[jhelms@sterlingcollege.edu](mailto:jhelms@sterlingcollege.edu)  
757.581.8003 (mobile)  
802.586.7711 x130

## SEXUAL ASSAULT

Sexual assault is defined as any sexual act directed against another person, without the consent of the person, including instances where the person is incapable of giving consent. Abuse is a crime, even if it is done by someone you know, such as a friend, teacher, or partner.

### *If You Have Experienced Sexual Assault*

- Find a safe environment away from your attacker (it need only be temporary). When possible, ask a trusted person to stay with you and assist you with getting help.
- To obtain immediate medical care or to contact the police, phone 911 for emergency services. (To provide proof of a criminal offense, evidence must be preserved. Do not use the toilet, bathe, brush your teeth, wash bedding, douche, or change clothing prior to a medical/legal exam.)
- Contact at least one of the following people:
  - Favor Ellis, Dean of Community (802) 586-7711 ext 127
  - Community Advisor - Emergency Pager: (802) 290-9931
  - Tiana Baca, Title IX Coordinator, 802-586-7711 x 105
  - Lori Collins-Hall, Title IX Delegate, 607.435.0960 (c)
  - John Helms, Title IX Delegate, 802.586.7711 x130

A member of this team or designee will coordinate immediate assistance with safety issues such as relocation to a safe place, and will support you throughout the emergency situation. They may go with you or meet you at the hospital, stay with you during the interview process, and assist you in contacting other support persons. This team will also coordinate support beyond the emergency situation, including supporting you in advocating for your needs, assisting you with filing complaints (if desired), and connecting you with health care and counseling resources. Obtaining these services is voluntary.

## **EDUCATIONAL PROGRAMS TO PROMOTE THE AWARENESS AND PREVENTION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING OVERVIEW**

Sterling provides comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that:

- are culturally relevant, inclusive of diverse communities and identities, sustainable, and responsive to community needs;
- are informed by research or assessed for value, effectiveness, or outcome; and
- consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees. Both primary prevention and awareness campaigns deliver and build on bystander intervention and risk reduction content and skills.

Sterling's programs also provide information about its Policy Against Sexual Misconduct, Domestic Violence, Dating Violence and Stalking, such as information about the Title IX Coordinators, internal and external reporting procedures and options, the importance of preserving evidence, protection and "no contact" orders, confidentiality issues, resources for victims, interim measures and accommodations, information about Sterling's written notice of rights and options, and information about investigation and adjudication procedures, as described in the Policy and this annual security report. Sterling's educational programs consist of awareness programs, bystander intervention programs, ongoing prevention and awareness campaigns, and primary prevention programs, which may be described in more detail as follows:

*Awareness programs:* Community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

*Bystander intervention:* Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking, including:

- recognizing situations of potential harm;
- understanding institutional structures and cultural conditions that facilitate violence;
- overcoming barriers to intervening;
- identifying safe and effective intervention options; and
- taking actions to intervene.

*Ongoing prevention and awareness campaigns:* Programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.

*Primary prevention programs:* Programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in a healthy and safe direction.

## HOW TO BE AN ACTIVE BYSTANDER

The best way to prevent sexual and relationship violence is to commit to the following community values:

- Violence is not tolerated on campus; and
- Everyone is expected to do their part to prevent it.

Everyone must commit to engaging in moments of action, no matter how small. Every moment of action counts when we are working to prevent violence.

Moments of action contribute to a culture of bystander intervention and, research shows, lead to fewer incidences of violence. Moments of action occur when we notice the potential for violence. We might see someone intentionally trying to get someone else intoxicated, or isolating someone at a party. We could recognize power differences like age, or sense that someone seems fearful. When we notice these cues, we must act because even the smallest actions can prevent violence.

No matter who you are or what personal or social barriers you might face, there is always something you can do to help keep our community safe. Options for action include:

**Direct:** Directly talk to someone or intervene in a situation. You might ask a friend who's been hard to reach if everything is OK. Or you might take an intoxicated friend back to their residence hall. Direct action means getting

involved in a situation or following up with a student, coworker, or supervisor who you worry is in an unhealthy relationship.

**Delegate:** Get others involved. Delegating action when there's danger, or when someone else can act, is often safest. You might call the pager (802-290-9931) or the police (911) for help, ask someone to assist you in finding a ride for a friend, or suggest to a party's host that they ask someone to leave. You might express your concerns over a matter to a student's advisor, community advisor, or a dean.

**Distract:** Interrupt the precursors to violence so harmful situations can't occur. You might spill a drink, sing loudly, or tell someone their car is getting towed. You might ask someone to accompany you somewhere so you can talk privately with the individual.

Moments of action also occur when we act proactively to send the message to those around us that we take the work of reducing violence seriously and we are committed to doing our part. We might have a conversation with people we care about on campus about what moments of action mean to us, share a great article on Facebook or tweet about an everyday moment of action, or choose to integrate bystander intervention into our academic work. When we create a moment of action on our own, without waiting for warning signs to appear, we make our community inhospitable to violence.

Middlebury College came up with these great tips for bystanders:

## **MOMENTS OF ACTION FOR STUDENT BYSTANDERS**

- Send a mass email to your contact list with a simple message, "This issue is important to me and I believe in the goal of reducing violence."
- The next time you are walking to class with a friend, have one conversation and tell them that ending violence matters to you.
- Make bystander intervention or sexual violence on campus the topic of a paper or speech you have to do for a class.
- Bring a friend to an awareness event.
- Work to ensure organizations you are involved in collaborate with prevention efforts on campus.
- Find out how Art and Activism works to end violence (Google it!).
- If you suspect that a friend is in an abusive relationship, ask them, and provide information about available resources.
- If you see someone spike another person's drink with alcohol or drugs, stop them, and contact a Community Advisor or 911, distract by spilling the drink, or get someone else to let the person know that their drink is unsafe to consume.



- If you choose to leave an event early, account for the people who were in your group.
- If you see someone at an event who has had too much to drink, ask them if they need to be walked home or assisted in any way.
- If you hear what sounds like yelling or fighting in your residence hall, apartment, or any other location, talk with a Community Advisor, the Dean of Community, a professor, program director or someone else who can help.
- If someone needs your help and you don't have the answer, contact your resources and find someone who does.

## MOMENTS OF ACTION FOR FACULTY AND STAFF BYSTANDERS

- Change your email signature line to include a statement that echoes the principles that violence will not be tolerated at Sterling and everyone is expected to do their part to prevent it.
- Add a line to your syllabus that expresses the prevention principles.
- Request a presentation from your local violence prevention program.
- If you suspect that a student or co-worker is in an abusive relationship, ask them and provide information about available resources.
- If someone appears upset, ask if they are okay.
- Assign a paper, project, or reflection to your students about moments of action, community, and our prevention principles.
- If someone explains that women "say 'no' when they really mean 'yes,'" interrupt and make an attempt to educate them.
- If you hear what sounds like yelling or fighting in your neighborhood, classroom, or office, talk with a neighbor, your manager, your students or someone else who can help.
- If someone needs your help and you don't have the answer, contact your resources and find someone who does.

## RISK-REDUCTION TIPS

In addition to bystander action, both reactive and proactive, there are ways to reduce risk around sexual and relationship violence. It is important to remember that **experiencing violence is never the victim's fault.**

### Ten Rape Prevention Tips

1. Don't put drugs in someone else's drink.
2. When you see someone walking by themselves, don't rape them.
3. If you pull over to help someone whose car has broken down, don't rape them.

4. If you are in an elevator, and someone walks in, don't rape them.
5. When you encounter someone who is asleep, the safest course of action is to not rape them.
6. Never creep into someone's home through an unlocked door or window, or spring out at them from between parked cars, or rape them.
7. Remember people go to the forest to enjoy the forest. Do not attempt to molest someone who is alone in the forest.
8. Use the Buddy System. If it is inconvenient for you to stop yourself from raping someone, ask a trusted friend to accompany you at all times.
9. Carry a rape whistle. If you find you are about to rape someone, blow the whistle until someone comes to stop you.
10. Don't rape anyone.

More Resources:

[The Opposite of Rape Culture is Nurturance Culture](#)  
[Alcohol and Consent](#)  
[Vermont Statutes](#)

## SERVICES AND ACCOMMODATIONS

Sterling 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 individuals reportedly subjected to sexual assault, dating violence, domestic violence or stalking, both within the institution and in the community.

Sterling will also provide written notification to individuals about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. Sterling will make such accommodations or provide such protective measures if the reported victim requests them through the Dean of Community's office, and if they are reasonably available, regardless of whether the reported victim chooses to make an official report of the crime to the college or law enforcement.

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

- No Contact Orders: restricting encounters and communications between the parties; academic accommodations, including but not limited to deadline extensions; Incompletes, course changes or late drops, or other arrangements as appropriate;
- residential accommodations, including but not limited to arranging for new housing, or providing temporary housing options, as appropriate;

- changing transportation or working arrangements or providing other employment accommodations, as appropriate;
- assisting the individual in accessing support services, including, as available, victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus, as applicable;
- informing the individual of the right to report a crime to local law enforcement and/or seek orders of protection, restraining orders, or relief from abuse orders from United States courts or courts outside of the United States as applicable and providing assistance if the individual wishes to do so. Sterling will also work with complainants and others as appropriate to respect and implement the requirements of such orders on premises that it owns or controls, as appropriate.

Sterling personnel will identify appropriate options and work with complainants to determine whether these services or accommodations are reasonably available and necessary in a particular case.

## **CONFIDENTIAL REPORTING**

Sterling encourages individuals to report incidents of sexual misconduct, domestic violence, dating violence, stalking and related retaliation so that they can get the support they need, and so that Sterling can respond appropriately. Certain professionals contracted by Sterling may maintain confidentiality, but most cannot. Although strict confidentiality may therefore not be guaranteed for non-confidential employees, in all cases Sterling will handle information in a sensitive manner and will endeavor to protect the privacy of individuals to the extent it can do so consistent with its obligations to respond to reports of sexual misconduct, domestic violence, dating violence, stalking and/or related retaliation.

A student may seek confidential counseling and resources through contracted mental health counselors. Contracted mental health providers, 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 expected to inform students of all available resources, and are encouraged to explain that the counselor could inform the Dean of Community of the crime solely for statistical purposes, keeping the victim's name anonymous. If the victim agrees, the counselor would file a report, excluding all identifying information. Contracted mental health counselors are expected to inform the Dean of Community if there is an imminent safety risk to the community.

## **CONFIDENTIAL RESOURCES**

A confidential resource is an individual who is legally and ethically bound to keep confidential all information shared with them in the course of providing counsel and support, except under the circumstances noted below. Sterling respects that the decision to come forward may be difficult and that individuals may wish to seek assistance from someone who can offer confidential information and support, and who can provide assurances that what is disclosed will not be acted on except in the circumstances outlined below. In general, the law recognizes and protects the confidentiality of communications between a person seeking care and a medical or mental health professional, religious advisor, or trained sexual assault advocate. These professionals may have to breach a confidence, however, when they perceive a serious risk of danger or threat to any person or property. In addition, medical and mental health professionals may be required by law to report certain crimes (e.g., any allegation of sexual and/or physical abuse of a person under 18). These exceptions to confidentiality are governed by the law of the state in which the confidential resource is located.

An individual who speaks to a confidential resource must understand that, if they want to maintain confidentiality, Sterling may be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator. However, confidential resources may assist the individual in receiving other forms of protection and support, such as victim advocacy; academic accommodations; disability, health or mental health services; and changes to living, working, or transportation arrangements.. An individual who initially requests confidentiality may later decide to file a complaint with Sterling or report the incident to local law enforcement, and thus have the incident fully investigated. These confidential resources will help to direct the individual to the appropriate resources in the event that the individual wishes to file an internal complaint with Sterling or report to the police.

## **NON-CONFIDENTIAL RESOURCES**

Non-confidential resources are all faculty or staff members, including residential life staff, who are not medical or counseling professionals acting in that capacity, and are therefore not permitted to honor requests for confidentiality. Non-confidential faculty or staff who learn of an incident of sexual misconduct, domestic violence, dating violence, stalking or related retaliation involving a student are required to report that information to the Title IX Coordinators, and they are “responsible employees” to this extent. The Title IX Coordinators are “responsible employees” for the purposes of redressing reports of sexual misconduct, domestic violence, dating violence, stalking and related retaliation in accordance with Sterling’s Policy Against Sexual Misconduct, Domestic Violence, Dating Violence and Stalking policy (see below for contact information).

Faculty and staff who are Campus Security Authorities are required to report certain sex offenses and other crimes to the Dean of Community for the purpose of reporting to the Department of Public Safety in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

All employees, and students with supervisory responsibility, are expected to report all incidents of sexual misconduct, domestic violence, dating violence, stalking or related retaliation involving employees to a Title IX Coordinator.

General inquiries to Sterling officials about policies or procedures, and conversations in which the alleged perpetrator is not identified by name or by implication from the circumstances, may remain private. Otherwise, individuals who want to maintain confidentiality should seek a confidential resource.

Sterling will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about individuals, and will maintain as confidential any accommodations or protective measures provided to individuals, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

## **REPORTING TO LAW ENFORCEMENT**

In addition to (or instead of) Sterling's processes, any student, employee or covered third party who wishes to report a complaint of sexual misconduct, domestic violence, dating violence, or stalking under this policy may and should also pursue criminal charges with local, state, or federal law enforcement agencies. Sterling will offer and upon request provide assistance to students, employees and covered third parties in contacting law enforcement agencies. These options are available regardless of whether an individual chooses to file a complaint with Sterling. Individuals may choose to notify such agencies with or without assistance from Sterling, or may choose not to notify such authorities personally.

If you choose to make a police report, you will likely meet with police officers, who will work with you to gather information about your experience, and to gather relevant evidence. Again, College representatives can support you in your interactions with law enforcement authorities if you would like them to do that.

In addition to (or instead of) Sterling's processes, individuals who are being or who may have been subjected to sexual misconduct, domestic violence, dating violence, stalking and/or related retaliation also have the right to pursue orders of protection, restraining orders and/or relief from abuse orders from United States courts or courts outside of the United States as applicable. Sterling must support individuals if they wish to have Sterling's assistance in making contact with law

enforcement authorities and other external resources to seek such orders. Sterling will respect and assist in the implementation of protection orders to the extent applicable. In addition, Sterling can also impose no-contact conditions on students, employees and third parties over whom it has some measure of control.

## **WELLNESS RESOURCES**

### **MEDICAL EMERGENCY**

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#### **IF IN IMMEDIATE DANGER...**

**Call 911 and then Sterling College's On-Call Emergency Pager at 802-290-9931**

- **Notify a Community Advisor**
- **Remain calm** and provide comfort to sick or injured person, do not leave them alone
- **Be sure to provide an address** and do not hang up until the dispatcher does
- **Provide First Aid** if you are certified
- **Follow directions** from Emergency Personnel

#### **ADDITIONAL RESOURCES IF THE PERSON NEEDS IMMEDIATE MEDICAL CARE:**

##### **VERMONT**

**Copley Hospital & Emergency Room** 528 Washington Hwy, Morrisville, VT 05661

Phone: 802- 888-4231

**Poison Control Center:** 800-222-1222

##### **Local Urgent Care Centers:**

**ExpressCare Berlin** 1311 Barre-Montpelier Rd, Berlin, VT 05602  
Phone: 802-371-4239 Hours: Mon-Sun: 9am-7pm

**ExpressCare Waterbury** 76 McNeil Rd, Waterbury Center, VT 05677  
Phone: 802-241-1532 Hours: Mon- Sun: 9am-7pm

### **PRIMARY CARE: PHYSICIANS & MEDICAL PRACTITIONERS**

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**Vermont 211**

Free statewide referral system available 24/7 for health & wellness resources. Referrals are personalized based on information and health insurance. Dial 211. [vermont211.org](http://vermont211.org)

- **Morrisville Family Health Care** 609 Washington Highway, Morrisville, VT 05661 Phone: 802-888-5639(CHSLV Partner)
- **Stowe Family Practice** 1878 Mountain Road Stowe, VT 05672 Phone: 802-253-4853 (CHSLV Partner)
- **Hardwick Health Center** 4 Slapp Hill Road, Hardwick, VT 05843 Phone: 802-472-3300

### Primary Care:

#### VERMONT

**Stowe Natural Family Wellness** (Stowe): (802) 253-2340

**Integrative Family Medicine** (Montpelier): 802-223-4738

**Mountain View Natural Medicine** (South Burlington): 802-860-3366

**Transgender Health Clinic** (Burlington): 802-864-6309

<https://www.chcb.org/services/medical-care/transgender-lgbtq-health-clinics/>

Primary Care, including annual physical, breast exams, gender transition care, sexual health & reproductive care, access to referrals and support from a social work team. They operate on the Informed Consent Model - which allows for clients who are transgender to access treatments and surgical interventions without undergoing mental health evaluation or referral from a mental health specialist.

**Community Health Centers of Burlington** (Multiple locations throughout Chittenden & southern Grand Isle Counties) <https://www.chcb.org/services/>

Offers services in primary care, behavioral health & counselling, dental care, psychiatry. Also offer interpreter services in 20 languages and welcome orientation to newly arrived refugees, asylees, immigrants.

## COUNSELING & MENTAL HEALTH

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### IN-PERSON COUNSELING

**Pablo Coddou**, [pablocoddou@gmail.com](mailto:pablocoddou@gmail.com), Craftsbury Common, VT 802-917-8363

Pablo offers mental health counseling services here on Craftsbury Common as well as a variety of College-sponsored workshops and group activities. Pablo currently

accepts Gallagher Student Insurance, Medicaid, and Blue Cross Blue Shield. With a referral from the Dean of Community, Pablo will also be available to meet with students in crisis regardless of their insurance coverage or ability to pay. In these instances, students will be permitted to have up to 5 one-hour counseling sessions. For students with a strong need or desire to see Pablo or to access local mental health services on an ongoing basis, we strongly recommend that you consider purchasing the Gallagher Student Insurance offered by the College.

**Behavioral Health and Wellness Center** 65 Northgate Plz Ste 11, Morrisville  
802-888-8320 (CHSLV Partner)

Psychiatrist, Psychiatric Nurse Practitioner, Clinical Psychologists, Clinical Social Workers, Licensed Mental Health Counselors, Alcohol & Drug Counselors and Case Managers,

**Wellspring Mental Health & Wellness Center** 39 Church St, Hardwick  
802-472-6694

Range of providers with different specialties.

**Solidarity Healing**, Vicki Garrison, LCMHC: <http://solidarityhealing.com/>

**Outright Vermont Guide to LGBTQ-friendly Mental Health Resources**  
<http://www.outrightvt.org/mental-health-resource-guide/>

## RESIDENTIAL MENTAL HEALTH RESPITE & CARE

**Alyssum** (Rochester, VT): <https://www.alyssum.org/>

Residential Crisis Respite & Hospital Diversion Program that is not medical staffed, runs on a voluntary program

**Brattleboro Retreat** (Brattleboro, CT) <https://www.brattlebororetreat.org/>

Psychiatric & Addiction Treatment Hospital, LGBTQ in-patient program

Find a meeting: <https://www.nalouisville.net/meetings1.html>

## ONGOING CARE

There's no one correct way to care for yourself or others who have experienced trauma. Sterling offers a variety of resources and options in the belief that survivors benefit from having many choices available to seek the support and resolution they need. Choose whichever options feel most helpful to you. There are many people on campus and in the greater community who care and can help you to find care for yourself.



- Be patient with yourself. The healing process takes time and includes your physical, emotional, and psychological health.
- Don't neglect your physical health and wellbeing.
- Try not to let others make decisions for you; it's important that you re-establish a sense of control over your choices.
- Seek support from a counselor.
- Don't look for simple answers to explain what happened.
- Know your rights and how to get the support you need.
- Do things you enjoy and give yourself permission to have positive experiences.

## **COMMUNITY POLICIES**

### **COMMUNITY BEHAVIORAL GUIDELINES**

Each student at Sterling deserves to have a positive learning and living experience while at Sterling. We consider two guidelines to be critical to our functioning as an educational community. Students who do not abide by these guidelines will experience consequences that may include dismissal from the College.

1. Behavior that threatens or compromises the physical or mental health, security, privacy, property or learning experience of self or other members of the community will not be tolerated.
2. Students must abide by the Community Behavioral Guidelines and all College Policies.

Please refer to our [Student Handbook](#) for more information

### **RESPONSIBILITIES OF ON-CAMPUS LIVING**

Each residence meets at the start of every semester to determine house agreements:

- Quiet Hours
- Respectful Hours
- Cleaning Party Schedule
- Communication
- Problem Solving
- Substance Free Agreement (if applicable)
- Wellness Animal Etiquette (if applicable)

All residents are expected to follow all house agreements at all times. Students who choose not to follow house agreements may be placed on Community Review, may forfeit their housing deposit, and may become ineligible for continued residential status.

## **DRUG AND ALCOHOL POLICY**

By enrolling in Sterling College, or by accepting employment, individuals agree to abide by college substance abuse standards and certify awareness of this policy.

Possession, use, or distribution of illegal drugs (including alcohol for those less than 21 years of age) is prohibited on the Sterling College campus. This policy includes being under the influence of such substances while on campus or participating in college-sponsored activities (such as classes, meetings, presentations, social events, etc.). Abuse of legal substances (including alcohol for those 21 years and older and marijuana) which results in destructive behaviors will be addressed by the Dean of Community as a violation of the first guideline for Community Behavior. Supplying underage drinkers with alcohol is considered a serious offense by the State of Vermont, and by Sterling College.

Sterling College faculty and staff reserve the right to excuse students from class or other college-sponsored activities who appear, or may appear to be under the influence of drugs or alcohol. An incident report will be filled out by the faculty or staff and further discussion and potential disciplinary action may take place between the student and faculty/staff member and may involve the Dean of Community.

## **GOOD SAMARITAN POLICY**

**Good Samaritan Statement:** In the interest of protecting Sterling College students from serious injury due to impairment caused by alcohol or drugs, students should be aware that in all cases where safety is at risk, the proper agencies must be contacted for assistance. These agencies include: a Community Advisor (CA), a member of the Student Life team, the person carrying the on call emergency pager (802-290-9931), emergency services (911), and the State Police in Derby, VT (802-334-8881).

In cases where the proper calls are made for assistance, both the impaired student and the student assisting may not be subject to formal disciplinary action for being impaired or for providing alcohol or drugs. Students involved in these incidents will participate in a meeting with the Office of Student Life and may be referred for assessment/counseling. Families may be notified, but there will not be punitive sanctions. This resolution is available for isolated incidents and does not excuse or

protect those who repeatedly violate College Policy or who are threatening the health or safety of self or others. It is our belief that we all have a responsibility to help those in need by seeking the proper medical assistance when necessary.

## VERMONT LAW

### Alcohol

Possession and Sale of Alcohol: See Title 7 (Alcoholic Beverages):

<http://legislature.vermont.gov/statutes/title/07>

Limited Immunity from Liability for Reporting a Drug or Alcohol Overdose (See 8 V.S.A. Sec. 4254):

<http://legislature.vermont.gov/statutes/section/18/084/04254>

Driving Under the Influence of Alcohol (23 V.S.A. § 1200, et. seq.):

<http://legislature.vermont.gov/statutes/chapter/23/013>

Possession and Control of Regulated Drugs (18 V.S.A. Sec. 4201 et. seq.)

<http://legislature.vermont.gov/statutes/chapter/18/084>

### Resources for Vermont Care and Treatment

- Brief Alcohol Screening for College Students (BASICS): 802-443-5141
- Alcoholic Anonymous: 802-334-1213, [www.aavt.org](http://www.aavt.org)
- Narcotics Anonymous: 802-773-5757
- Vermont Department of Health: <http://healthvermont.gov/adap/resources.aspx#help>
- Friends of Recovery-Vermont: <http://www.friendsofrecoveryvt.org/>
- OUTRIGHT Vermont: 802-865-9677 (For LGBTQ support)
- Northeast Kingdom Human Services: 802-334-6744 (Newport)
- Northeast Kingdom Human Services: 802-748-8997 (St. Johnsbury)
- Tri-County Substance Abuse Services: 802-334-5246 (Newport)
- Tri-County Substance Abuse Services: 802-748-1682 (St. Johnsbury)
- North Central Vermont Recovery Center: (802) 851-8120 (Morrisville)

## COMMUNITY ACCOUNTABILITY & INSTITUTIONAL PROBLEM SOLVING

## Community Accountability

The guiding philosophy and approach to community and relationship at Sterling College is one that encourages compassion, care, and reflection, focusing on student development through individual growth and accountability for behavior. We expect all members of the Sterling community to act with integrity, compassion, care, reflection, and accountability, irrespective of their role at the College.

Our goal is to support students as they become the people they want to be in the world. We are committed to providing the tools, resources, and support for students to make informed decisions about their lives and their interactions within the community. The processes for addressing violations of Community Behavioral Guidelines are designed to support student accountability and to balance the rights of the individual with that of the health and safety of the community.

The Dean of Community's Office will investigate accusations of violations of community behavior guidelines as reported through [Community Accountability Reports](#) and / or [College Incident Reports](#). Interim measures may be taken for community safety following an incident and until a case can be heard.

Investigations may result in a variety of sanctions including a Community Review contract. These individualized contracts may include mediation, counseling, a fine, or service, and are reflective of the nature and severity of the incident. A student may choose not to honor the conditions of the Community Review contract, with the understanding they may be withdrawn from the College. Additionally, a student who chooses to consistently or frequently disregard Community Guidelines may be dismissed from the College.

Students and administrators overseeing accountability processes may request and recommend additional engagement of a Council or Task Force if there are *questions of fact* in a particular case, or if the violations present a significant concern within the community as a whole.

A Community Care Task Force (CCTF) will convene at the request of the Dean of Community when it is determined that deeper conversations around violations of community behavior guidelines are necessary. The CCTF will:

- **Discuss the issue at hand** by asking: *Where is the harm? Who has been harmed? What are their needs? Whose obligations are these? What should be done to repair the harm? Which systems created or supported the environment that allowed or necessitated the behavior?*
- **Examine whether and how existing systems have caused or contributed to harm,**
- **Identify paths toward restoration, reparation, and transformation, and**
- **Submit a brief summary report to the Dean of Community.**

CCTFs exist to strengthen accountability procedures, establish educational opportunities, and to create and resource a culture of care, consent, connection, accountability, and transformative justice. This process allows all parties to express how they have been affected by the issue, and for the CCTF to hold itself accountable for the well-being, safety, and integrity of our community.

Issues of sexual assault, harassment, discrimination, and violations of Community Review contracts will not be brought to a Community Care Task Force. Instead, these reports should be directed immediately to the [Title IX Coordinator](#). Reports of bias and discrimination should be made through a [Community Accountability Report](#).

While students are enrolled in the College, they must inform the College of any occasion on which they are charged with a felony by state or federal authorities. Failure to do so may itself result in disciplinary action, including the potential for suspension or dismissal.

## Guiding Principles: How to Approach Conflict

Conflict holds the potential to be transformative and generative, and can present opportunities to build trust and strengthen relationships.

We trust and expect members of our community to participate in decision making, disagreement, and struggle with the intention of building connection and making our community stronger. This includes a commitment to honesty, integrity, and to face-to-face communication, and a rejection of dishonesty, manipulation, and polarization.

We expect each person to take responsibility for their needs, feelings, and actions. We call on each person to discern the difference between a desire to be heard and a problem that must be solved.<sup>1</sup> We acknowledge that conflicts cannot always be addressed immediately or in a way that satisfies everyone involved, yet we recognize the value in being able to voice concerns and have perspectives considered.

These touchstones are offered as tools to refer to during difficult or challenging moments and conversations, and as guide to support us as we live together in community:

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<sup>1</sup> With thanks to [The Haymarket People's Fund](#) for this language.

- We believe in caring - for ourselves, for each other, for this place, for other living beings, and for the planet.
- We understand we are collectively growing and learning and healing.
- We honor the sacredness of our space and all members of our community.
- We listen to understand.
- We curiously engage with our growing edges. Discomfort is often part of our growth.
- We speak our truths: we are honest with ourselves and each other.
- We commit to being accountable for the impact of our actions. We recognize that at times we will make mistakes and ask our community to call on and support us as we step into accountability.
- We make every effort to address disagreements and hurt feelings as soon as we are able.
- We practice informed consent in all things. We recognize body autonomy while also prioritizing the health and safety of all members of our community.
- We value confidentiality. We build trust and relationships by honoring each other's stories.
- We turn toward connection and wonder.
- We endeavor to bring our healthiest self to all we do.
- We value laughter, play, and rest, alongside our work and learning.

## Institutional Problem-Solving Through Direct Communication

Sterling recognizes that occasionally a student may feel that they have been treated unfairly or that an error has been made in the interpretation or application of a policy. When this situation occurs, Sterling wants each student to be aware that the problem solving procedure described below is available to assist in reaching an equitable resolution between the student and the College. There is a different process in place for complaints of sexual harassment or violence, which should be directed immediately to the [Title IX Coordinator](#). Reports of bias and discrimination should be made through a [Community Accountability Report](#).

It is assumed that most student concerns or complaints can be resolved informally through direct communication between the student and the appropriate College personnel.

- 1) **A student should bring any concerns or complaints directly to the attention of the person in conflict to try to resolve the situation.** This should be done in a timely manner relative to the action or

incident that is the basis for the complaint. If the student would like informal help with this action, they are encouraged to ask their Advisor, a Dean, or a Community Advisor for support.

- 2) Though most problems will be solved by informal discussions, a student who still feels dissatisfied may bring the concern to the attention of one of the Deans. The Dean should respond promptly to acknowledge the concern, typically within 3 business days.

In a situation where the grievance does not concern a specific employee, the student should contact the College employee with administrative responsibility for the policy or procedure. Every reasonable effort should be made to resolve the matter informally.

In the event that the matter cannot be resolved informally (i.e, through direct communication or with the informal involvement of a Dean), the student should present a typed and signed grievance letter to the appropriate person (listed below). The following information should be included in a grievance letter:

- a) The name and position of the party or parties against whom the grievance is filed;
- b) The date of filing;
- c) A concise statement of the nature of the grievance;
- d) The stated rule, policy, procedure, or regulation which the College has allegedly misapplied or misinterpreted;
- e) How it was misapplied or misinterpreted;
- f) A summary of attempts to informally address the concern; and
- f) The specific remedy or action being sought by the student.

The person to whom the grievance letter should be sent is dependent on the nature of the grievance, see list below:

- **Academics and Advising:** Complaints regarding academics and academic advising should be filed with the Dean of Academics.
- **Student Life and Community:** Complaints regarding general policies, procedures, governance, residence life, or any other functions of the Office of Student Life (dining services, wellness, athletics) should be filed with the Dean of Community.
- **Work Program:** Complaints pertaining to a student's work program position should be filed with the Associate Dean of Work-Experiential Learning.
- **College staff, consultants, contractors, or part-time personnel:** Complaints regarding College staff, consultants, or part-time personnel should be filed with the [Director of Human Resources](#).

- **Admission and Financial Aid:** Complaints regarding admissions or financial aid should be filed with the Dean of Admission and Financial Aid.
- **Senior-level administrators:** Complaints regarding senior-level administrators (Vice Presidents and Deans) should be filed with the Office of the President, or through [this form](#). All decisions made by the President in the resolution of a grievance are final.
- **President:** Complaints regarding incidents directly involving the President should be filed with the Chair of the Board of Trustees using [this form](#).

All written complaints will receive a written acknowledgement of receipt within 3 business days and an initial meeting to outline next steps will be scheduled within 5 business days.

If a student is not satisfied with the outcome of steps that follow their written complaint, they may submit a written appeal within 5 business days to the President via email. The appeal email must contain a copy of the written complaint and a summary of the steps that followed. The President's decision on the appeal is final and binding.

## **WEAPONS AND FIREARMS**

### **STERLING COLLEGE WEAPONS REGULATIONS**

A weapon as used in this policy means any firearm, explosive, knife (with a blade six inches or longer in length or with blades less than six inches which, by design, can be used as weapons, such as switchblades or double-edged blades) or other object that has been designed with the intent to harm a person or deface property.

Weapons are strictly prohibited on the Sterling College campus. Replicas of weapons are also prohibited unless they are possessed or stored in accordance to the Storage and Exceptions policies below. Discovery of a weapon in a College building, residence hall, on College grounds, locked in a vehicle on College grounds, or in the possession of a student or employee on campus, or any other violation of the weapons regulations, may result in confiscation of the weapon and disciplinary action against the owner and/or person in possession, including becoming ineligible to remain on campus, or termination from the College.



## EXCEPTIONS

Hunting, fishing, and trapping are allowed on Sterling College lands, but not near the center of campus, during state-designated seasons (see <https://vtfishandwildlife.com/hunt/hunting-and-trapping-seasons>). See [Vermont State Hunting and Fishing Regulations](#) for details on permitting and other rules. All students are encouraged to wear blaze orange hats, vests, or other clothing to make themselves visible to hunters during big game seasons, particularly in November and December. Though the College permits hunting, firearms, bowguns, fireworks, explosives and ammunition are not permitted in residential halls or on the Sterling College campus or on the Wendell Berry Farming Program campus.

## FIRE SAFETY & FIRE STATISTICS

Report any fire or smoke to your Community Advisor or call 911. The College's procedure for evacuation in the event of smoke, fire or a fire alarm is located in the emergency procedures section of this report. If Sterling determines in the future that improvements in fire safety should be made, it will implement such changes and, to the extent applicable, will reflect such changes in future annual fire safety reports.

Fire Safety inspections will be organized and conducted on an on-going basis as deemed appropriate during the academic year. Students will be reminded that inspections will occur at the beginning of each semester, and will be advised of the conditions following the inspections. Any material in violation of the fire safety guidelines will be confiscated at the time of the inspection, and the student fined.

Fire Safety violations include but are not limited to: possession of new or burned candles, incense, halogen lamps, portable heaters, string lights (with the exception of rope lights), dangerous chemicals, or hazardous materials. Fire safety violations also include blocking the means of egress, or hanging tapestries on more than two non-adjacent walls and/or the ceiling. Discovery of any of these violations will result in confiscation and disposal of the prohibited item, fines, and the possibility of additional disciplinary measures.

Tampering with fire or life-safety equipment is prohibited and subject to fines and disciplinary action. These charges will be borne collectively by the residence hall if the responsible individual(s) cannot be identified. When an individual is identified, the individual is fined, disciplinary action is pursued as appropriate, and the additional cost to repair or replace equipment is assessed. The individual is also subject to disciplinary action. "Fire- and life-safety equipment" includes fire alarms,

equipment, pull stations, extinguishers, and hydrants, smoke detectors, smoke detector batteries, carbon monoxide detectors, and sprinklers. Any problems with smoke detectors must be reported to the Dean of Community and Facilities Services immediately, as nonfunctioning detectors endanger the lives of all residents.

Use of fire, or lighting a fire without an authorized fire permit, inside or outside of buildings, other than smoking in authorized outdoor spaces, is prohibited. The use of outdoor grills is limited to authorized locations and must be approved before use. The use of portable fire pits is prohibited.

Smoking is prohibited in all campus buildings. This includes porches, balconies, decks or any part of the building structure. E-cigarette smoking is also prohibited in campus buildings. Failure to observe this policy will be treated as a fire safety violation and subject to College discipline and fines as appropriate. Students must exit a building when a fire alarm sounds; fines may be assessed for failure to do so.

## **FIRE SAFETY EDUCATION AND TRAINING PROGRAMS**

The Director of Facilities conducts trainings for faculty, staff and students. All new employees are trained on fire safety and evacuation procedures. Annual training on fire safety, fire extinguisher and evacuation procedure is required for Facilities Services staff and Dining staff. Community Advisors receive training on fire safety and evacuation from the Director of Facilities at the start of each semester.

To help prevent fires, please observe the following:

- Keep room entries, exits, and hallways free of potential obstructions, such as boxes, bicycles, and mattresses.
- Don't overload outlets.
- Avoid using extension cords whenever possible.
- In dorm rooms, don't use hot plates, toasters, or cooking appliances.
- Don't hang anything from sprinkler pipes or heads.
- Don't build or place anything over the room's radiator that will disrupt the free flow of air around it.
- Always leave magnifying mirrors face down so they won't magnify sunlight.
- You may not use candles, halogen lamps, or portable heaters.
- Avoid hanging lights and paper together. Don't hang lights or streamers on the side of doors facing corridors.
- No smoking of any kind indoors or with 25 feet of doors and windows.
- Student rooms and residence halls may not have Christmas trees.

## **FIRE-SYSTEMS DESCRIPTIONS**

You're required to evacuate should the alarm sound in your building. Though rustic, our buildings are equipped with modern life-safety systems to ensure your safety and security. There are a variety of life-safety systems you should be aware of. Each residential building is equipped with two types of alarms: smoke and carbon monoxide. Automated alarm systems are located in the Jefferson, Hamilton, Merlin, North House, and Madison.

- In the event of a carbon-monoxide alarm, the sirens will sound and the blue light on the outside of your house will be flashing. Evacuate immediately and do not reenter the building until instructed to do so.
- In the event of a fire, the sirens will sound. Evacuate immediately and do not reenter the building until instructed to do so. The fire department will respond. These systems automatically notify the alarm monitoring service, which contacts the Craftsbury Volunteer Fire Department and the Sterling College Emergency Pager.
- Once you've safely evacuated, do not enter the building until you're cleared to do so by the Fire Department or the administrator on call.

South House and Houston House are not connected to the alarm monitoring system, but do have a fire panel. Respond as above in the event of an alarm, and contact the Emergency Pager (802-290-9931).

Residence Life conducts two fire drills during the academic year. In each residence hall, one drill takes place during the fall, the other in the spring. Facilities Services regularly tests all of the sprinkler systems in the large dorms, as well as testing and annually cleaning all the fire-alarm systems. College administrators respond to every reported alarm and receive the buildings upon the fire department's satisfactory inspection. The facilities department and alarm technicians respond to system trouble alerts and test or repair systems to make sure they're functional. These technicians annually change smoke detectors, and annually test exit signs, emergency lights, and fire extinguishers. All of our buildings are equipped with sprinkler systems which will activate if there's a fire. Please don't use sprinkler heads and pipes to hang items from. This can cause the sprinkler system to release water, which in turn can cause property damage.

## FIRE STATISTICS: DEFINITIONS AND COLLECTION REQUIREMENTS

**Fire:** any instance of open flame or other burning in places not intended to contain burning (or in an uncontrolled manner). Fires can be intentional, unintentional, mechanical, or stem from the natural environment. The cause might be undetermined.

**False alarm:** a fire-alarm system becomes activated without the presence of fire or danger. It could be a system malfunction—a dirty detector, for instance.

**Unwanted alarm:** a fire-alarm system becomes activated as it was designed to do, but the cause of the alarm is false, perhaps stemming from steam, fog, or smoke from cooking.

**Fire-related injury:** an instance in which a fire injures a person—including injuries sustained from natural or accidental cause while attempting fire control, rescue, or escaping a fire’s dangers.

**Fire-related death:** an instance in which a fire kills a person, including death from natural or accidental causes while attempting fire control, rescue, or escaping a fire’s dangers. Or an instance in which someone dies of fire-sustained injuries within one year of that fire.

Residential Facility	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
Merlin House	0	0	N/A	N/A	N/A	N/A
South House	0	0	N/A	N/A	N/A	N/A
Houston House	0	0	N/A	N/A	N/A	N/A
Birch House	0	0	N/A	N/A	N/A	N/A

North House	0	0	N/A	N/A	N/A	N/A
Alder House	0	0	N/A	N/A	N/A	N/A
Kestrel House	0	0	N/A	N/A	N/A	N/A
Brown House	0	0	N/A	N/A	N/A	N/A
The Farm Between	0	0	N/A	N/A	N/A	N/A

## **PROCEDURES IN CASES OF ALLEGED DOMESTIC VIOLENCE, DATING VIOLENCE, HARASSMENT, SEXUAL ASSAULT, AND STALKING**

Sterling College prohibits the crimes of dating violence, domestic violence, harassment, sexual assault, and stalking, as those terms are defined in the Clery Act, and as described in Sterling policies. We are committed to creating and maintaining a physically and emotionally safe environment for all students. Sterling College recognizes that harassment, discrimination, and sexual assault are unlawful as well as damaging to individuals and to the community, and therefore, constitute a violation of Sterling College policy. It is also unlawful for College employees to retaliate against persons who bring forward complaints regarding discrimination, harassment, and sexual offenses.

Sterling College is committed to:

- fostering community responsibility, which promotes a safe environment;
- facilitating respectful dialogue about diversity issues and healthy relationships;
- providing education about the importance of consent in sexual relations;
- providing education regarding sex offenses;
- supporting people against whom offenses have been perpetrated, including making all reasonable efforts to provide a safe environment for pursuing complaints regarding offenses;
- responding with swift disciplinary action against offenders.

## DEFINITIONS

### U.S. State Law in VERMONT

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

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

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

No person shall engage in a sexual act with another person and substantially impair the ability of the other person by administering or employing drugs or intoxicants without the knowledge of or against the will of the other person. 13 V.S.A. § 3252.

A “sexual act” means conduct between persons consisting of contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the vulva, or any intrusion, however slight, by any part of a person’s body or object into the genital or anal opening of another. 13 V.S.A. § 3251(1)

**Domestic Violence:** Domestic assault is attempting to cause or to willfully or recklessly cause bodily injury to a family or household member or to willfully cause a family or household member to fear imminent serious bodily injury. 13 V.S.A. § 1042. “Household members” are those persons who, for any period of time, are living or have lived together, are sharing or have shared occupancy of a dwelling, are engaged in or have engaged in a sexual relationship, or minors or adults who are dating or have dated. 15 V.S.A. § 1101(2)

**Dating Violence:** Domestic assault includes attempting to cause or to willfully or recklessly cause bodily injury to a person one is dating or has dated or to willfully cause such person to fear imminent serious bodily injury. 13 V.S.A. § 1042. “Dating” is defined as a social relationship of a romantic nature. Factors to consider in determining whether a dating relationship exists or existed, include:

- (a) the nature of the relationship;
- (b) the length of time the relationship has existed;
- (c) the frequency of the interaction between the parties; and
- (d) the length of time since the relationship ended, if applicable. 15 V.S.A. § 1101(2).

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

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

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

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

13 V.S.A. § 1061.

## **SEX OFFENDER REGISTRY CAMPUS SEX CRIME PREVENTION ACT**

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, became effective on October 28, 2002. Sex offenders, under the Campus Sex Crimes Prevention Act, must register with the state where an institution of higher education is located (even if they do not reside in the state) once they become enrolled or work at an institution of higher education. The state must also learn of changes in enrollment or employment status. This act includes:

- Individuals enrolled on a full-time or part-time basis at a state’s institution of higher education; or
- Individuals who have full-time or part-time employment at a state’s institution of higher education—with or without compensation—for more than 14 days or for an aggregate period exceeding 30 days in a calendar year.

The law requires higher education institutions to issue statements advising campus communities about where they can obtain law-enforcement-agency-based, state-provided information concerning registered sex offenders.

### **Sterling College in Vermont**

Convicted sex offenders must register with the Vermont Criminal Information Center, which is maintained by the Vermont Department of Public Safety. Any person requesting, in accordance with the law, information on specific offenders may obtain that information.

In 1996, with the passage of 13 VSA, Chapter 167, Subchapter 3, the Vermont Sex Offender Registry was established at the Vermont Crime Information Center (VCIC).

You can contact the Vermont Criminal Information Center either at VCIC on the web (<http://vcic.vermont.gov/>) or by calling (802) 241-5400

Local law-enforcement agencies and the Vermont Crime Information Center are authorized to release relevant registry information to the public when requesters can articulate specific concern about their safety or the safety of others. State statute requires that requestors provide the subject's name as the query's basis. You may make queries to law enforcement agencies or VCIC by street address, town, or county.

The registry information may also be disclosed to the following agencies, organizations, or people:

- Local, state, and federal law-enforcement agencies exclusively for law-enforcement purposes;
- State and federal governmental agencies exclusively for conducting confidential background checks;
- Any employer, including a school district, who is authorized by law to request records and information from the Vermont Crime Information Center where such disclosure is necessary to protect the public concerning people this subchapter requires to register;
- People registered as a sex offenders for the purpose of reviewing the accuracy of any record relating to them.

**The registry is prohibited from releasing lists of offenders in response to general questions regarding sex offenders' whereabouts in particular communities. Victims' identities shall not be released.**

## **SEXUAL MISCONDUCT, INTIMATE PARTNER VIOLENCE AND STALKING POLICY, RESOURCES, AND PROCEDURES**

### **INTRODUCTION AND NOTICE OF NON-DISCRIMINATION**

Sterling is committed to a policy of nondiscrimination on the basis of sex and gender in all educational programs and activities sponsored by the College and in its employment practices. It is the policy of Sterling College ("Sterling" or the "College") to maintain an environment for students, faculty, administrators, staff,



and visitors that is free of all forms of unlawful discrimination and harassment, including sexual misconduct. The College has enacted this Sexual Misconduct, Intimate Partner Violence and Stalking Policy (the "Policy") to reflect and maintain its institutional values and community expectations, to provide for fair and equitable procedures for determining when this Policy has been violated, and to provide recourse for individuals and the community in response to violations of this Policy.

This Policy prohibits sexual or gender-based discrimination, harassment, and misconduct, including sexual assault, non-consensual sexual contact, and sexual exploitation, as defined in this document. It also prohibits intimate partner violence and stalking, as defined in this document. The Policy also prohibits retaliation against a person because they have reported, complained about, or participated in good faith in an investigation of conduct covered by this Policy. All of the foregoing conduct shall be referred to collectively as "Prohibited Conduct."

Sterling does not discriminate on the basis of sex in its educational, extracurricular, athletic, or other programs or in the context of employment. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides:

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Sexual harassment is also prohibited under Title IX, Title VII of the Civil Rights Act of 1964, and other applicable statutes. This Policy prohibits sexual harassment against Sterling community members of any sex, sexual orientation, or gender identity in the context of education or employment. This Policy also prohibits gender-based harassment that does not involve conduct of a sexual nature.

The College strongly encourages all members of our community to take action to maintain and facilitate a safe, welcoming, and respectful environment on campus. In particular, the College expects that all Sterling community members will take reasonable and prudent actions to prevent or stop Prohibited Conduct. The College strongly supports bystander intervention and supports individuals who choose to take such action and will protect such individuals from retaliation.

Upon receipt of a report, the College will take equitable action to eliminate the Prohibited Conduct (if any), prevent its recurrence, and remedy its effects. In addition, the College will fulfill its obligations under the Violence Against Women Reauthorization Act of 2013 ("VAWA") amendments to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") in response to reported Prohibited Conduct. The College's process for investigating and responding to reported Prohibited Conduct is outlined in the following

sections. Students or employees who are found to have violated this Policy may face disciplinary action up to and including dismissal (students) or termination of employment (faculty or staff).

Sterling also prohibits other forms of discrimination and harassment, including discrimination and harassment on the basis of race, color, national origin, ancestry, age, religious belief, marital status, physical or mental disability, medical condition, veteran status, or any other characteristic protected by federal, state, or local law.

## SCOPE OF POLICY

In accordance with 2020 federal Title IX regulations and guidance, the College uses different policies and procedures to address alleged incidents of sexual misconduct, intimate partner violence and stalking, depending on when the incidents allegedly occurred.

For incidents that allegedly occurred **before August 14, 2020**, the College will use the policies and procedures provided in the SEXUAL MISCONDUCT, INTIMATE PARTNER VIOLENCE AND STALKING POLICY, RESOURCES, AND PROCEDURES as set forth in the College's August, 2020 Sterling College Student Handbook (available at: [https://sterlingcollege.edu/wp-content/uploads/2020/08/Student-Handbook-August-2020-Final\\_compressed.pdf](https://sterlingcollege.edu/wp-content/uploads/2020/08/Student-Handbook-August-2020-Final_compressed.pdf)), regardless of when the alleged incidents are reported.

For incidents that allegedly occurred on or after August 14, 2020 (that is, the date on which certain 2020 federal Title IX regulations became effective), the College will use the policies and procedures provided immediately below.

When used in this Policy, "complainant" refers to the individual who is identified as the subject of Prohibited Conduct. "Respondent" refers to the individual alleged to have engaged in Prohibited Conduct. A "Third-Party" refers to any other participant in the process, including a witness or an individual who makes a report on behalf of a complainant.

## PERSONS COVERED

This Policy applies to all Sterling community members, including students, faculty, administrators, staff, volunteers, vendors, contractors, visitors, and individuals regularly or temporarily employed, conducting business, studying, living, visiting, or having any official capacity with the College or on its property.

The College strongly encourages reports of Prohibited Conduct regardless of who engaged in the conduct. Even if the College does not have jurisdiction over the respondent, the College will take action, to the extent that it is reasonably able to do so, to provide for the safety and well-being of the complainant and the broader campus community.

## **LOCATIONS COVERED**

This Policy applies to Sterling College's campuses. This Policy also applies to all on-campus conduct, all field experiences and some off-campus conduct, as described below. The College strongly encourages reports of Prohibited Conduct regardless of location. Even if the Policy does not apply to the conduct because of its location, the College will take action, to the extent that it is reasonably able to do so, to provide for the safety and well-being of the complainant and the broader campus community. Students participating in Exchanges or third party study abroad or experiences will be subject to the guidelines established by the host institution and may, if deemed appropriate by Sterling College, also be subject to investigation and/or sanction under this Policy and/or other Sterling College policies as well.

1. On-Campus Conduct. This Policy applies to conduct that occurs on-campus in all of Sterling College's campuses, including conduct which occurs on property owned or managed by the College.
2. College Programs. This Policy applies to conduct that occurs in the context of College employment or education programs or activities regardless of campus, site or field experience.
3. Off-Campus Conduct. This Policy also applies to conduct that occurs off campus and has continuing adverse effects on, or creates a hostile environment for, any member of the Sterling community on-campus or in any College employment or education program or activity.

## **DAYS**

Unless otherwise expressly stated, all references in this procedure to "days" are to business days, excluding holidays when the College is closed. Any deadline that falls on a weekend or other day when the College is closed, shall be extended to the next business day.

## **PROHIBITED CONDUCT AND DEFINITIONS**

Some sexual misconduct falls within the scope of Title IX, the federal law that prohibits sex discrimination in education programs or activities that receive federal funds, and other sexual misconduct may violate College policy even if it does not fall within the scope of Title IX's definition of sexual harassment.

Title IX Sexual Harassment (i.e., Quid Pro Quo Sexual Harassment, Severe, Pervasive and Objectively Offensive Sexual Harassment, Sexual Assault, and Domestic Violence, Dating Violence and sex-based Stalking within the scope of Title IX) is defined below for purposes of this Policy.

Title IX Sexual Harassment is a subset of Prohibited Conduct. Under Department of Education regulations (see 34 C.F.R., Part 106) issued in May 2020 (“May 2020 Title IX regulations”) to implement Title IX of the Education Amendments of 1972, 20 U.S.C. §

1681 et seq., the College is required to prohibit certain forms of sexual harassment as defined in those regulations. Title IX Sexual Harassment is Prohibited Conduct of the following types committed by or against students and/or employees in an education program or activity of the College, in the United States. Further, in order for the College to consider a Formal Complaint of such misconduct as falling within its Title IX Sexual Harassment policy and procedures, the complainant must be participating in or attempting to participate in a College program or activity at the time the complaint is filed.

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

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

## **TITLE IX SEXUAL HARASSMENT**

The following Prohibited Conduct definitions apply for purposes of the definition of Title

IX Sexual Harassment:

### **a. Title IX Quid Pro Quo Sexual Harassment**

Quid pro quo sexual harassment for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of the College in the United States by which an employee of the College conditions the provision of an aid, benefit, or service of the College on a student’s or employee’s participation in unwelcome sexual conduct.

## b. Title IX Severe, Pervasive and Objectively Offensive Sexual Harassment

Severe, pervasive and objectively offensive sexual harassment for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of the College in the United States that constitutes unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a student or employee equal access to a the College education program or activity.

## c. Title IX Sexual Assault

As required by the May 2020 Title IX regulations, the College's definition of Title IX Sexual Assault incorporates the definitions of the FBI's Uniform Crime Reporting (NIBRS) program, and is as follows:

- Rape:<sup>2</sup>
  - The carnal knowledge of a person (i.e., penile-vaginal penetration), without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity (it should be noted that either females or males could be complainants under this definition);
  - Oral or anal sexual intercourse (i.e., penile penetration) with another person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
  - To use an object or instrument (e.g., an inanimate object or body part other than a penis) to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
- Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity (for purposes of this definition, "private body parts" includes breasts, buttocks, or genitals, whether over or under clothing);
- Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or

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<sup>2</sup> Both completed rape and attempted rape are prohibited by this policy.

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

Sexual assault can be committed by any person against any other person, regardless of gender, gender identity, sexual orientation, or past or current relationship status.

#### d. Title IX Dating Violence

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

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

#### e. Title IX Domestic Violence

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

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

#### f. Title IX Stalking

Title IX Stalking for purposes of the Title IX Sexual Harassment definition is conduct on the basis of sex committed in an education program or activity of the College in the United States that constitutes engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress. For purposes of this definition:

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

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

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

Examples of stalking behaviors or activities include, but are not limited to the following, if they occur in the context of stalking as defined above (i.e., the behaviors or activities would cause a reasonable person to fear for their safety or the safety of others, or to suffer substantial emotional distress):

- non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, text messages, written letters, gifts, or any other communications that are unwelcome;
- use of online, electronic or digital technologies, such as posting pictures or text in chat rooms or on websites, sending unwanted or unsolicited e-mail or talk requests, posting private or public messages on Internet sites, social networks, and/or school bulletin boards, installing spyware on a person's computer, or
- using Global Positioning Systems (GPS) or similar technology to monitor a person;
- pursuing, following, waiting for, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the person;
- surveillance or other types of observation, including staring and voyeurism;
- trespassing;
- vandalism;
- non-consensual touching;
- direct verbal or physical threats against a person or a person's family member, pet or personal property;
- gathering information about a person from friends, family, or co-workers;
- accessing private information through unauthorized means;
- threats to harm self or others;
- defamation and/or lying to others about the person; and
- using a third party or parties to accomplish any of the above.

## **NON-TITLE IX MISCONDUCT**

### *g. Non-consensual sexual contact*

Non-consensual contact includes: (1) acts that would constitute “fondling” as defined in the Clery Act (that is, the touching of the private body parts of another person for the purpose of sexual gratification, without the consent (as defined below) of the other person, including instances where the victim is incapable of giving consent because of his/her temporary or permanent mental incapacity), that does not fall within the definition of Title IX Sexual Harassment; (2) causing an individual to touch their own private body parts, touching another individual’s body with a private body part, touching another individual’s private body part with any object, or disrobing or exposure of another without permission, that does not fall within the definition of Title IX Sexual Harassment.

### *h. Non-Title IX Sexual Harassment*

Non-Title IX Sexual Harassment is any unwelcome sexual advance, request for sexual favors, or other unwelcome conduct of a sexual nature, whether verbal, physical, graphic, or otherwise, that does not fall within the definition of Title IX Sexual Harassment.

“Harassment” is conduct that creates an intimidating, offensive, or hostile working or learning environment or that unreasonably interferes with work or academic performance based on a person’s protected status, including sex, sexual orientation, or gender identity. All such conduct is unlawful.

“Sexual Harassment” is any unwelcome sexual advance, request for sexual favors, or other unwelcome conduct of a sexual nature, whether verbal, physical, graphic, or otherwise.

“Hostile Environment.” A hostile environment exists when the conduct is sufficiently severe, pervasive, or persistent that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the College’s education or employment programs and/or activities. Whether conduct is sufficiently severe, pervasive, or persistent is determined both from a subjective and objective perspective.

Harassing conduct can take many forms. The determination of whether an environment is hostile is based on the totality of the circumstances, including but not limited to:

- the frequency of the conduct;



- the nature and severity of the conduct;
- whether the conduct was physically threatening;
- the effect of the conduct on the complainant's mental or emotional state, with consideration of whether the conduct unreasonably interfered with the complainant's educational or work performance and/or College programs or activities;
- whether the conduct was directed at more than one person; and
- whether the conduct arose in the context of other discriminatory conduct.

A single isolated incident may create a hostile environment if the incident is sufficiently severe, particularly if the conduct is physical. In contrast, the perceived offensiveness of a single verbal or written expression is typically not sufficient to constitute a hostile environment.

#### Sexual Harassment:

- May be blatant and intentional and involve an overt action, a threat or reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- May be committed by anyone, regardless of gender, age, position or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational or employment relationships, harassment can occur in any context.
- May be committed by a stranger, an acquaintance, or someone with whom the complainant has an intimate or sexual relationship.
- May be committed by or against an individual or may be a result of the actions of an organization or group.
- May occur by or against an individual of any sex, sexual orientation, or gender identity.
- May occur in the classroom, in the workplace, in residential settings, or in any other setting.
- May be a one-time event or can be part of a pattern of behavior.
- May be committed in the presence of others or when the Parties are alone.
- May affect the complainant and/or Third Parties who witness or observe harassment and are affected by it.

Examples of conduct that may constitute Sexual Harassment as defined above may include a severe, persistent or pervasive pattern of unwelcome conduct of a sexual nature that includes but is not limited to one or more of the following:

- Physical conduct, including unwelcome touching, sexual/physical assault, impeding, restraining, or blocking movements, or unwanted sexual advances;
- Verbal conduct, including making or using derogatory comments, epithets, slurs or humor; verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to

describe an individual, suggestive or obscene letters, notes, or invitations; or objectively offensive comments of a sexual nature, including persistent or pervasive sexually explicit statements, questions, jokes, or anecdotes;

- Visual conduct, including leering, making sexual gestures, displaying suggestive objects or pictures, cartoons, or posters in a public space or forum; or severe, persistent, or pervasive visual displays of suggestive, erotic, or degrading sexually oriented images that are not pedagogically appropriate;
- Written conduct, including letters, notes or electronic communications containing comments, words, or images described above.

#### *i. Sexual Exploitation*

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. Examples of behavior that could constitute sexual exploitation include but are not limited to the following:

- A. intentional non-consensual contact with the private body parts of a person that does not meet the definition of behaviors prohibited under the definition of "sexual assault" found above;
- B. prostituting another person;
- C. recording or capturing through any means images (e.g., video and photographs) or audio of another person's sexual activity, intimate body parts, or nudity without that person's consent;
- D. distributing images (e.g., video or photographs) or audio of another person's sexual activity, intimate body parts or nudity if the individual distributing the images or audio knows or should have known that the person(s) depicted in the images or audio did not consent to such disclosure and object(s) or would object to such disclosure; and,
- E. viewing another person's sexual activity, intimate body parts or nudity in a place where that person had a reasonable expectation of privacy, without that person's consent, if the individual viewing the other person(s) sexual activity, intimate body parts, or nudity in such a place knows or should have known that the person(s) being viewed would object to that.
- F. Exception: Sterling College's prohibition of sexual exploitation is not intended to prohibit the use of sexually explicit materials that are reasonably related to Sterling College's academic mission. Specifically this section is not intended to proscribe or inhibit the use of sexually explicit materials in or out of the classroom, when in the judgment of a "reasonable person" they arise appropriately to promote genuine discourse, free inquiry and learning.

#### *j. Non-Title IX Dating Violence, Domestic Violence and/or Stalking*

Non-Title IX Dating Violence, Domestic Violence and/or Stalking are defined as above, but are forms of misconduct that do not fall within the definitions of Title IX Dating Violence, Domestic Violence, or Stalking because while they fall within the scope of this policy, they do not involve allegations of conduct in a College program or activity in the United States.

## **SEXUAL MISCONDUCT & INTIMATE PARTNER VIOLENCE: DEFINITIONS OF KEY TERMS; OTHER CONSIDERATIONS**

To provide clarity to all individuals as to the kinds of behavior which constitute Sexual Misconduct, Intimate Partner Violence and/or Stalking, the College further defines key terms, which the College will use in evaluating whether Prohibited Conduct has occurred.

For the purpose of this policy “consent” is defined as follows:

### *a. Consent*

“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, coercing, forcing or intimidating the other person (also see the definitions of coercion, force and intimidation in this policy, which are incorporated by reference); 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:
  - o is incapable of understanding the nature of the conduct at issue;
  - o is physically incapable of resisting, declining participation in, or communicating unwillingness to engage in the conduct at issue; or

- o 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 one activity with one person does not imply consent to engage in sexual activity with another person. Consent to engage in one sexual activity with one person does not imply consent to engage in a different type of sexual activity. 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.

Any incident falling within the definition of sexual assault provided in this policy is prohibited.

## RETALIATION

Retaliation is Prohibited Conduct under this Policy, and will be investigated and addressed through the procedures for Non-Title IX Misconduct referenced below. Retaliation means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations or this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing regarding Prohibited Conduct (including both Title IX Sexual Harassment and Non-Title IX misconduct). Retaliation is strictly prohibited. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations, constitute retaliation, as do any adverse action taken against a person because they have made a good faith report of Prohibited Conduct or participated in any proceeding under this Policy. Retaliation may include intimidation, threats, coercion, harassment, or

adverse employment or educational actions that would discourage a reasonable person from engaging in activity protected under this policy. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance process under this Policy does not constitute prohibited retaliation, provided, however, that a determination regarding responsibility is not alone sufficient to establish that any party made a materially false statement in bad faith.

The College will not engage in and will take immediate and responsive action to address any report of covered retaliation and will pursue disciplinary action as appropriate. An individual whose good faith activity as described above will be protected from retaliation under this policy, even if the reported conduct is ultimately not found to be a violation of this Policy.

## **PRIVACY AND CONFIDENTIALITY**

The College is committed to protecting the privacy of all individuals involved in the investigation and resolution of reports under this Policy. The College also is committed to assisting students, employees, and third parties in making informed choices. With respect to any report under this Policy, the College will make reasonable efforts to protect the privacy of participants, in accordance with applicable state and federal law, while balancing the need to gather information to take steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. Privacy and confidentiality have distinct meanings under this Policy.

### **PRIVACY**

“Privacy” generally means that information related to a report of Prohibited Conduct will only be shared with a limited circle of individuals who “need to know” in order to assist in the assessment, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

### **CONFIDENTIALITY**

“Confidentiality” generally means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without the express permission of the individual.

The confidentiality of information shared by an individual with designated campus or community professionals generally is governed by Vermont law, including Vermont evidence rules and restrictions on the disclosure of privileged information by mental health providers, health care providers, ordained clergy, rape crisis

counselors, and attorneys, all of whom have legally protected confidentiality. These individuals are generally prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others.

An individual who seeks confidential assistance may do so by speaking with professionals who have legally protected confidentiality.

## **RESPONSIBLE EMPLOYEES AND REQUESTS FOR CONFIDENTIALITY**

A “Responsible Employee” includes any employee who: (1) has the authority to take action to redress the harassment or any other misconduct by students or employees; (2) has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees; or (3) a student could reasonably believe has the authority or responsibility to take action. All College employees who do not have legally protected confidentiality are considered Responsible Employees. This includes all employees with supervisory or leadership responsibilities on campus, including, but not limited to, faculty, administrators, staff members and Community Advisors. The College requires that all Responsible Employees share a report of misconduct with the Title IX Coordinator or Delegates. The purpose of this requirement is to permit the College to take immediate and corrective action to respond to allegations of Prohibited Conduct.

A student may desire to report Prohibited Conduct to the College but to maintain confidentiality; if so, the Title IX Coordinator will evaluate such requests. Where a complainant requests that the complainant’s name or other identifiable information not be shared with the respondent or that no formal action be taken, the Title IX Coordinator will balance the complainant’s request with its obligation to provide a safe and non-discriminatory environment for all College community members. In making this determination, the College may consider, among other things, the seriousness of the conduct, the respective ages and roles of the complainant and respondent, whether there have been other complaints or reports of harassment or misconduct against the respondent, and the rights of the respondent to receive notice and relevant information before disciplinary action is sought.

The College will take all reasonable steps to investigate and respond to a complaint consistent with the request for confidentiality or request not to pursue an investigation, but its ability to do so may be limited based on the nature of the request by the complainant. Where the College is unable to take action consistent with the request of the complainant, the Title IX Coordinator will inform the complainant about the chosen course of action, which may include the College seeking disciplinary action against a respondent. Alternatively, the course of action may also include steps to limit the effects of the alleged harassment or other misconduct by students or employees and prevent its recurrence that do not

involve formal disciplinary action against a respondent or revealing the identity of the complainant.

## **STERLING COLLEGE'S TITLE IX COORDINATOR AND DELEGATES**

### **NOTICE OF DESIGNATED TITLE IX COORDINATOR AND DELEGATES**

The College designates a Title IX Coordinator each year. The Title IX Coordinator and Delegates can be contacted by email, or in person during regular office hours:

**Tiana Baca**  
Title IX Coordinator  
Faculty  
[tbaca@sterlingcollege.edu](mailto:tbaca@sterlingcollege.edu)  
802-586-7711 x 105

**Lori Collins-Hall**  
Title IX Delegate  
Senior Vice President and Chief Operating Officer  
[lcollinshall@sterlingcollege.edu](mailto:lcollinshall@sterlingcollege.edu)  
607.435.0960 (c)

**John Helms**  
Title IX Delegate  
Dean of Work Learning  
[jhelms@sterlingcollege.edu](mailto:jhelms@sterlingcollege.edu)  
757.581.8003 (mobile)  
802.586.7711 x130

### **ROLE OF THE TITLE IX COORDINATOR AND TITLE IX DELEGATES**

The Title IX Coordinator monitors the College's overall compliance with Title IX, ensures appropriate training and education, and oversees the College's investigation, response, and resolution of reports made under this Policy. Upon

receiving reports of Prohibited Conduct, the Title IX Coordinator ensures that appropriate action is taken to eliminate that conduct, prevent its recurrence, and remedy its effects. The Title IX Coordinator is available to advise all individuals - including individuals who have experienced misconduct, individuals who are alleged to be responsible for misconduct, and third parties - on this Policy and the related Investigation Processes. Title IX coordination functions may also be carried out by the Title IX Delegates and other designated individuals as necessary and appropriate.

## **REPORTING**

The College strongly encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual or other violence. This is the best option to ensure preservation of evidence and to begin a timely investigative and helpful response.

The College also strongly encourages all individuals to make a report to the College and to law enforcement, although neither is required. These reporting options are not mutually exclusive. Both internal and criminal reports may be made simultaneously.

The College has a strong interest in investigating and responding as appropriate to sexual harassment, sexual assault, stalking, and intimate partner violence and strongly encourages all individuals or third party witnesses to report any incident to the College.

Making a report means telling a Responsible Employee what happened-in person, by telephone, in writing, or by email. At the time a report is made, a complainant does not have to request any particular course of action, nor does a complainant need to know how to label what happened. Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time.

The College provides support that can assist each individual in making these important decisions, and will respect an individual's autonomy in deciding how to proceed to the extent possible. In this process, the College will balance the individual's interest with its obligation to provide a safe and non-discriminatory environment for all members of the College community.

In response to all reports of Prohibited Conduct, the College will make an immediate assessment of any risk of harm to the complainant, respondent, or to the broader campus community and will take steps necessary to address those risks. These steps may include interim measures to provide for the safety of the individual and the campus community.



*If You Have Experienced Sexual Assault*

- Find a safe environment away from your attacker (it need only be temporary). When possible, ask a trusted person to stay with you and assist you with getting help.
- To obtain immediate medical care or to contact the police, phone 911 for emergency services. (To provide proof of a criminal offense, evidence must be preserved. Do not use the toilet, bathe, brush your teeth, wash bedding, douche, or change clothing prior to a medical/legal exam.)
- Contact at least one of the following people:
  - Emergency Pager: (802) 290-9931
  - Favor Ellis, Dean of Community: 802-586-7711 x127

A member(s) of this team or designee will coordinate immediate assistance with safety issues such as relocation to a safe place, and will support you throughout the emergency situation. They may go with you or meet you at the hospital, stay with you during the interview process, and assist you in contacting other support persons. This team will also coordinate support beyond the emergency situation, including supporting you in advocating for your needs, assisting you with filing complaints (if desired), and connecting you with health care and counseling resources. Obtaining these services is voluntary.

## **EMERGENCY AND EXTERNAL REPORTING OPTIONS**

Complainants have the right to notify or decline to notify law enforcement. The College strongly encourages all individuals to seek assistance from law enforcement immediately after an incident of Sexual Misconduct, Intimate Partner Violence, or any other Prohibited Conduct. This is the best option to ensure preservation of evidence and to begin a timely investigative and helpful response. Police have unique legal authority, including the power to seek and execute search warrants, collect forensic evidence, make arrests, and assist in seeking emergency protective orders. The College will help any Sterling community member to get to a safe place and will provide transportation to the hospital, coordination with law enforcement, and information about on- and off-campus resources and options for resolution.

Vermont State Police Headquarters  
45 State Drive  
Waterbury, VT 05671-1300  
M - F / 8am - 4pm  
Telephone - 802-244-8727

Unit for Special Investigations (CUSI)

50 Cherry Street, Suite 102  
Burlington, VT 05401  
Phone: (802) 652-6800  
Fax: (802) 652 - 4167

Copley Hospital Emergency Services  
528 Washington Highway  
Morrisville, VT 05661  
Call 9-1-1 in an emergency  
Hours: 24 hours, 7 days a week  
Hospital's Main Entrance; the Emergency Room is to your left immediately after the main entrance

AWARE 802- 472-6463 (Hardwick)  
Confidential Domestic & Sexual Violence Services

Clarina Howard Nichols Center 802-888-5256 (Morrisville)  
24hr Domestic violence & sexual assault hotline and advocacy

Woven Collective [www.wovenvt.org](http://www.wovenvt.org) (Burlington)  
POC & LGBTQ-informed Therapeutic Support for Violence Survivors

Students enrolled in the Wendell Berry Farming Program should contact:  
Henry County EMS  
502-845-5400,  
716 S Property Rd, New Castle, KY

Henry County Sheriff Keith Perry  
502-845-2909,  
[henrycosheriff@gmail.com](mailto:henrycosheriff@gmail.com)  
123 N Property Rd, New Castle, KY 40050, [henrycosheriff@gmail.com](mailto:henrycosheriff@gmail.com)

## **CAMPUS REPORTING OPTIONS**

The College strongly encourages all individuals to report misconduct to any College employee. The College recommends that individuals report Prohibited Conduct to any of the following offices or individuals:

1. The Title IX Coordinator, Title IX Delegates, and/or other designees handle(s) complaints of Prohibited Conduct against any individual, and works with other offices on campus to provide reasonable accommodations for housing, academic flexibility, and No Contact letters. Their contact information is:

**Tiana Baca**  
**Title IX Coordinator**

**Faculty**

[tbaca@sterlingcollege.edu](mailto:tbaca@sterlingcollege.edu)

**802-586-7711 x 105**

**Lori Collins-Hall**

Title IX Delegate

Senior Vice President and Chief Operating Officer

[lcollinshall@sterlingcollege.edu](mailto:lcollinshall@sterlingcollege.edu)

607.435.0960 (c)

**John Helms**

Title IX Delegate

Dean of Work Learning

[jhelms@sterlingcollege.edu](mailto:jhelms@sterlingcollege.edu)

757.581.8003 (mobile)

802.586.7711 x130

## **Reporting To External Agencies**

In addition to reporting to law enforcement or the College, students, faculty, and staff should be aware of the following external governmental agencies that investigate and prosecute complaints of prohibited discrimination and harassment:

Employees may contact:

Equal Employment Opportunity Commission

John F. Kennedy Federal Office Building

475 Government Center,

Boston, MA 02203

(1-800-669-4000/VOICE or 1-800-669-6820/TDD)

[www.eeoc.gov](http://www.eeoc.gov)

Vermont Attorney General's Office, Civil Rights Unit,

109 State Street, Montpelier, VT 05609-1001

(802-828-3171/VOICE/TDD)

Students may contact:

United States Department of Education, Office for Civil Rights

J.W. McCormack, Post Office Court House Building, Room 701

Boston, MA 02109-4557

617-289-0110CR.Boston@ed.gov

Vermont Human Rights Commission

135 State Street, 2nd Floor, Drawer 33

Montpelier, VT 05633-6301  
(802-828-2480/VOICE/TDD or 800-416-2010/VOICE)

## **OTHER REPORTING CONSIDERATIONS**

### **TIMELINESS AND LOCATION OF INCIDENT**

Complainants and third-party witnesses are encouraged to report Prohibited Conduct as soon as possible in order to maximize the College's ability to respond promptly and effectively. The College does not, however, limit the time frame for reporting. If the respondent is not a member of the Sterling community, the College will still seek to meet its responsibilities by taking steps to end the harassment, prevent its recurrence, and address its effects, but its ability to take disciplinary action against the respondent will, of course, be limited.

An incident does not have to occur on campus to be reported to the College. Off-campus conduct that is likely to have a substantial effect on the complainant's on-campus life and activities or that may pose a threat or danger to members of the Sterling community may also be addressed under this Policy.

### **AMNESTY FOR ALCOHOL OR OTHER DRUG USE OR OTHER CONDUCT VIOLATIONS**

The College strongly encourages the reporting of Prohibited Conduct under this Policy. It is in the best interest of this community that as many individuals as possible choose to report to college officials and that participants in the Investigation process are forthright in sharing information. To guard against discouraging reporting or participation, a student who reports Prohibited Conduct or participates in the Investigation process, either as a complainant, respondent, or a third-party witness, will not be subject to disciplinary action by the College for personal consumption of alcohol or drugs or other violations of the conduct policy (not including this Policy) at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk and do not involve plagiarism, cheating, or academic dishonesty. The College may, however, initiate an educational discussion or pursue other educational remedies with the student regarding alcohol or other drugs. Being intoxicated by drugs or alcohol is no defense to any violation of this Policy and does not diminish one's responsibility to obtain consent.

## **COORDINATION WITH LAW ENFORCEMENT**

The College strongly encourages complainants to pursue criminal action for incidents of Prohibited Conduct that may also be crimes under Vermont law. The College will assist a complainant in making a criminal report and cooperate with law enforcement agencies if a complainant decides to pursue the criminal process to the extent permitted by law.

The College's Policy, definitions, and standard of proof differ from state criminal law. A complainant may seek recourse under this Policy and/or pursue criminal action. Neither law enforcement's determination whether or not to prosecute a respondent, nor the outcome of any criminal prosecution, are determinative of whether a violation of this Policy has occurred. Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

The College will not delay conducting its own investigation unless that is specifically requested by law enforcement (e.g., State Police, ). In the event of such a specific request, the College will defer its investigation only during the time that the law enforcement agency is gathering evidence. The College will nevertheless communicate with the complainant and respondent (if appropriate) regarding Title IX rights, procedural options, and the implementation of interim measures to provide safety and well-being. The College will promptly initiate or resume its investigation as soon as it is informed that law enforcement has completed its initial investigation.

## **FALSE REPORTS**

The College takes the accuracy of information very seriously, as a report of Prohibited Conduct may have severe consequences. A good faith complaint that results in a finding of not responsible is not considered a false or fabricated report of Prohibited Conduct. However, when a complainant or third party witness is found to have fabricated allegations or given false information with malicious intent or in bad faith, the complainant or individual may be subject to disciplinary action. It is a violation of Sterling's Community Guidelines to make an intentionally false report of any Policy violation, and it may also violate state criminal statutes and civil defamation laws.

## **TAKE BACK THE NIGHT AND OTHER PUBLIC AWARENESS EVENTS**

Public awareness events such as "Take Back the Night," the Clothesline Project, candlelight vigils, protests, or other forums in which community members disclose

incidents of Prohibited Conduct do not initiate the College's Title IX obligations, including its obligation to investigate reports of sexual harassment or sexual assault. Such events may, however, inform the need for campus-wide educational and prevention efforts, and the College may implement broad community initiatives in response to such events where appropriate.

## **REPORTS INVOLVING MINORS OR SUSPECTED CHILD ABUSE**

Under Vermont law, certain covered individuals must make a mandatory report of suspected child abuse and neglect, including sexual assault, when such individuals, in their professional capacity or within the scope of their employment, have knowledge of, or observe a minor (as defined by the relevant state authority) whom the individuals know or reasonably suspect has been subject to child abuse or neglect.

All College employees are required to immediately report any suspected child abuse and neglect to the Title IX Coordinator and/or a Title IX Delegate. The source of abuse does not need to be known in order to file a report.

The College will report suspected child abuse and neglect as required by Vermont law. The College must act quickly regarding all reasonable suspicions of sexual or physical abuse. It is not the responsibility of any employee, student, or volunteer to investigate suspected child abuse. This is the role of appropriate authorities.

In addition to notifying the Title IX Coordinator or Deputy Coordinator, any individual may make a direct report as follows:

- If a child is in immediate danger, call 911.
- If there is no immediate danger, contact the Child Protection Hotline 24 hours a day, 7 days a week, at (800) 540-4000.

## **SUPPORTIVE MEASURES**

### **OVERVIEW**

Upon receipt of a report, the College will provide reasonable and appropriate supportive measures designed to eliminate the alleged hostile environment and protect the parties involved. The College will make reasonable efforts to communicate with the parties to ensure that all safety, emotional and physical well-being concerns are being addressed. Supportive measures may be imposed regardless of whether formal disciplinary action is sought by the complainant or the College, and regardless of whether a crime is reported to the Title IX Coordinator, Deputy Coordinator or law enforcement.

A complainant or respondent may request a No Contact Order or other protection, or the College may choose to provide supportive measures at its discretion to promote the safety of all parties, the broader College community, and/or the integrity of the process.

The College will maintain the privacy of any remedial and protective measures provided under this Policy to the extent practicable and will promptly address any violation of the protective measures. All individuals are encouraged to report concerns about failure of another individual to abide by any restrictions imposed by an interim measure. The College will take immediate and responsive action to enforce a previously implemented restriction if such restriction was violated.

### **RANGE OF MEASURES**

Supportive measures will be implemented at the discretion of the College, when requested and reasonably available. Supportive measures may include but are not limited to:

- Access to counseling services and assistance in setting up initial appointment, both on and off campus;
- Implementation of campus “No Contact Orders”. These can be administered to meet the individual needs of students involved;
- Rescheduling of exams and assignments (in consultation with appropriate faculty and deans as necessary);
- Providing alternative course completion options (with the agreement of the appropriate faculty and dean);
- Change in class schedule, including the ability to take an “incomplete,” drop a course without penalty or transfer sections (with the agreement of the appropriate faculty and dean);
- Change in work schedule or job assignment;
- Change in on-campus housing;
- Arranging to dissolve a housing contract and pro-rating a refund in accordance with campus housing policies;
- Assistance from College support staff in completing housing relocation;
- Limiting an individual or organization’s access to certain College facilities or activities pending resolution of the matter;
- Voluntary leave of absence;
- Providing an escort to ensure safe movement between classes and activities;
- Providing medical services;
- Providing academic support services, such as tutoring;
- Interim suspension or College-imposed leave;
- Medical leave;
- Any other remedy that can be tailored to the involved individuals to reasonably achieve the goals of this Policy.

## **INTERIM SUSPENSION OR ADMINISTRATIVE LEAVE**

### **EMERGENCY REMOVAL OF STUDENTS OR EMPLOYEES IN TITLE IX SEXUAL HARASSMENT CASES**

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

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

### **ADMINISTRATIVE LEAVE IN TITLE IX SEXUAL HARASSMENT CASES**

The College always maintains the discretion to place non-student employee respondents on paid administrative leave during the pendency of an investigation and resolution process as outlined below. The College may also place a non-student employee respondent on unpaid administrative leave during the pendency of an investigation and resolution process.

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



## **EMERGENCY OR INTERIM SUSPENSION, ADMINISTRATIVE LEAVES AND OTHER ACTIONS IN NON-TITLE IX SEXUAL MISCONDUCT CASES**

In cases that involve allegations of Non-Title IX Sexual Misconduct (that is, Prohibited Conduct as defined by this Policy that does not fall within the definition of Title IX Sexual Harassment), the College may at its discretion initiate emergency and/or interim suspensions of students and suspension or dismissal of employees in accordance with the College's other policies, procedures and practices, which include but are not limited to the College's employment at will policy.

## **CARE AND SUPPORT RESOURCES**

The College is committed to treating all members of the community with dignity, care, and respect. Any student who experiences or is affected by conduct prohibited under this Policy, whether as a complainant, a respondent, or a Third Party, will have equal access to support through the College.

The College strongly encourages individuals to report Prohibited Conduct. The College recognizes, however, that the decision to report Prohibited Conduct (to the College and/or law enforcement) can be difficult. The College strongly encourages individuals who are considering whether to report Prohibited Conduct to seek the support from campus and community resources. The Title IX Coordinator or designee can provide guidance in making decisions, information about available resources and procedural options, and assistance to either party in the event that a report and/or resolution under this Policy is pursued. These resources are available regardless of when or where the incident occurred.

There are many resources available on campus and in the surrounding community. As detailed below, there are Confidential Resources which by law cannot share information without the consent of the individual seeking assistance (in most circumstances). There are also a variety of College resources that will be discreet and private but are not considered confidential. These resources will maintain the privacy of an individual's information within the limited circle of those involved in the resolution of a complaint under this Policy.

## **CONFIDENTIAL RESOURCES**

The College strongly encourages all community members to make a report of any incident of Prohibited Conduct to the College and law enforcement. For individuals who are not prepared to make a report, or who may be unsure how to proceed, but are still seeking information and support, there are several legally-protected confidential resources available as designated below. These confidential resources

will not share information with the College or anyone else without the individual's permission.

**Copley Hospital**

528 Washington Highway  
Morrisville, VT 05661  
802-888-8888  
<https://www.copleyvt.org/>

**Behavioral Health & Wellness Center**

607 Washington Highway  
Morrisville VT 05661  
802-888-8320  
<https://chslv.org/our-services/behavioral/>

**National Domestic Violence Hotline**

1-800-799-7233  
1-800-787-3224 (TTY)  
[www.thehotline.org](http://www.thehotline.org)

**Vermont Network Against Domestic and Sexual Abuse**

1-800-228-7395

**Rape, Abuse and Incest National Network (RAINN)**

1-800-656-HOPE (4673)  
[www.rainn.org](http://www.rainn.org)

Students, faculty and staff may also access resources located in the local community in addition to those confidential resources above. These organizations can provide crisis intervention services, counseling, medical attention and assistance in dealing with the criminal justice system. It may be helpful for survivors to have someone who can help them explore their off-campus options and guide them through legal processes; an advocate can provide assistance in this area.

## **CONFIDENTIAL MEDICAL RESOURCES**

A medical provider can provide emergency and/or follow-up medical services. The medical exam has two goals: first, to diagnose and treat the full extent of any injury or physical effect (including prevention of sexually transmitted illnesses and pregnancy) and second, to properly collect and preserve evidence. There is a limited window of time following an incident of sexual assault to preserve physical and other forms of evidence, although it may be possible to obtain evidence from

towels, sheets, clothes, and other items for longer periods of time. It is best to gather evidence prior to washing a person's body or changing clothing. If clothes have been changed, the clothes worn at the time of the incident should be brought to the examination in a clean, sanitary container such as a paper grocery bag or wrapped in a clean sheet (plastic containers do not breathe and may render evidence useless). A change of clothing should also be brought to the hospital, as the clothes worn at the time of the incident will likely be kept as evidence. The Sexual Assault Nurse Examiner (SANE) is available at a hospital's Emergency Room. If you are seeking follow up medical services, you may request a SANE nurse.

Taking the steps to gather evidence immediately does not commit an individual to any particular course of action. The decision to seek timely medical attention and gather any evidence, however, will preserve the full range of options to seek resolution under this Policy or through the pursuit of criminal prosecution, and may be helpful in obtaining protective orders.

## **INVESTIGATION PROCESS**

This section outlines the procedures the College will follow in resolving allegations that a person has been subjected to Prohibited Conduct ("complainant") by a student, employee or other College community member who reportedly engaged in Prohibited Conduct ("respondent") in violation of the College's Sexual Misconduct, Intimate Partner Violence and Stalking Policy. Complainant and respondent will be referred to collectively as the "Parties."

### **OVERVIEW OF STEPS:**

1. Initial Report
2. Initial Assessment and Intake Meeting
3. Filing a Formal Complaint
4. Determinations of Applicable Procedures, Dismissals, Transfers, and Appeals of Such Determinations
5. Notice
6. Consolidation of Formal Complaints
7. Initial Meeting with Respondent
8. Investigation
9. Preliminary Investigative Report
10. Review and Response to Preliminary Investigative Report
11. Final Investigative Report
12. Decision-Making Processes

## **DETAILED DESCRIPTION OF EACH STEP:**

### *1. Initial Report*

An individual who wishes to report an act of Prohibited Conduct (including, but not limited to discrimination, harassment, or retaliation) is encouraged to report directly to the Title IX Coordinator or Deputy Title IX Coordinator. A report can be made in-person or by video meeting, telephone, in writing, by email, or by submitting an electronic [Title IX and Sexual Misconduct Report Form](#).

The Title IX Coordinator or Deputy Title IX Coordinator will coordinate the investigation of all reports of Prohibited Conduct defined in this Sexual Misconduct, Intimate Partner Violence and Stalking Policy. The Title IX Coordinator or Deputy Title IX Coordinator (or designee) will conduct an initial intake assessment in all instances where a Complainant reports Prohibited Conduct, as described below.

Both Parties will have the opportunity to object to the designee appointed to the intake meeting on the grounds of bias or conflict of interest. If either of the Parties objects, the Title IX Coordinator, Deputy Title IX Coordinator, or other appropriate College administrator who is not the subject of the objection, will evaluate whether or not to accept the objection. The Parties will be notified in writing of that determination. If the Intake meeting designee is found to have a bias or conflict of interest as to either Party, that person will be removed and replaced by another designee. The parties will be provided with an opportunity to object to the replacement as well. The College may decide to appoint other designees from within or outside of the College community to serve in the role if that is deemed advisable or necessary in a particular case. The Investigation Process will resume upon the final appointment of an Intake meeting designee.

In cases where the named respondent is not another Sterling student, but is a faculty member, or an employee or affiliate of the College, the Title IX Coordinator will consult with the appropriate departments.

### *2. Initial Assessment & Intake Meeting*

Upon receipt of a report, the Title IX Coordinator or Deputy Title IX Coordinator (or designee) will conduct the Intake Meeting with a complainant as soon as possible after receiving a complaint. At that meeting, the following topics will be addressed, as appropriate:

1. Address immediate physical safety and emotional well-being needs;
2. Notify the complainant of the right to contact law enforcement and seek medical treatment (and the right to decline to do so), and the importance of preservation of evidence;
3. Notify the complainant of the right to be assisted by individuals at the College in contacting law enforcement;

4. Notify the complainant of confidential and non-confidential reporting options on and off campus;
5. Provide the complainant with information about:
  - a. On and off campus resources that may be available to the extent applicable, including counseling, health, mental health, victim advocacy, legal assistance (including visa and immigration assistance), student financial aid, and other available services;
  - b. The range of supportive measures and remedies that may be available to the extent applicable, including changes to academic, living, transportation, and/or working situations, or other protective measures, which are available to the complainant regardless of whether the complainant files a formal complaint with the College, or local law enforcement;
6. Provide an overview of the procedural options and process;
7. Explain the right to object to the assignment of an investigator or investigators based on bias or conflict of interest;
8. Explain that the complainant has a right to an advisor of their choice during the process and the role of the advisor;
9. Assess for pattern evidence or other similar conduct if possible;
  - a. Explain the Good Samaritan Statement
  - b. Explain the College's policy prohibiting retaliation;
10. Explain that if the complaint involves a Clery crime, the need to notify The Dean of Community to assess the need to:
  - a. enter the report into the College's daily crime log; and
  - b. issue a timely warning as defined by the Clery Act, and assure the complainant that any such reports will not include the complainant's personally identifying information.

Following or at the intake meeting, the Title IX Coordinator, Deputy Title IX Coordinator or designee will provide the complainant with the above-listed information.

The complainant has the right to request that the College share or not share the complainant's name (or other identifiable information) with the respondent, or that the College take no formal action in response to the report. If the complainant makes such a request, the Title IX Coordinator will balance the request with its obligation to provide a safe and nondiscriminatory environment for all College community members.

The Title IX Coordinator will consider factors that may include but are not limited to whether there are circumstances suggesting there is a risk of the alleged respondent committing additional acts of Prohibited Conduct involving the complainant or others in the campus community, whether the College has received similar complaints regarding the alleged respondent, whether the alleged respondent has a history of arrests or records from a prior school indicating a

history of violence, whether the alleged respondent threatened or appears to pose a risk of further Prohibited Conduct against the complainant or others, whether Prohibited Conduct was allegedly committed by multiple respondents, whether a pattern of perpetration (e.g. more than one report involving a particular location or group) appears to be present, whether violence was perpetrated with or without a weapon, and whether the College possesses other means to obtain relevant evidence.

Absent a request for confidentiality as described above, the Title IX Coordinator, Deputy Title IX Coordinator or designee will ask the complainant general questions to get a basic understanding of the reported Prohibited Conduct. The interview will include questions to understand the key facts upon which the complainant bases the report to appropriately assess how to proceed.

### 3. Filing a Formal Complaint

A complainant who would like the College to pursue the formal investigation and resolution process must submit a formal complaint, signed physically or electronically by the complainant, to the Title IX Coordinator or Title IX Deputy Coordinator. The formal complaint must state the allegations and request that the College initiate an investigation. A formal complaint may be submitted prior to or at any point after the intake meeting.

### 4. Determinations of Applicable Procedures, Dismissals, Transfers, and Appeals of Such Determinations

When a complainant requests an investigation, the Title IX Coordinator or designee will promptly upon receipt of a formal complaint:

1. Determine whether the conduct alleged would, if proved, constitute Title IX Sexual Harassment (i.e., Quid Pro Quo Sexual Harassment, Severe, Pervasive and Objectively Offensive Sexual Harassment, Sexual Assault, or Domestic Violence, Dating Violence or sex-based Stalking) as defined in the Title IX Sexual Harassment definition stated above;
2. Determine whether the conduct allegedly occurred in the College's education program or activity;
3. Determine whether the conduct allegedly occurred in the United States; and
4. Determine whether at the time the formal complaint was made, the complainant was participating or attempting to participate in a College program or activity.

If a formal complaint of conduct that would, if proved, satisfy all four of these elements and constitute Title IX Sexual Harassment as defined in this policy is filed by a complainant or signed by the Title IX Coordinator, it will be investigated and resolved through the procedures applicable to Title IX Sexual Harassment matters as outlined below. The College will, as noted above, investigate alleged Title IX Sexual Harassment when a complainant submits a formal complaint to the Title IX Coordinator and requests an investigation. The Title IX Coordinator may also

choose at their discretion to sign a formal complaint and initiate an investigation, even if the complainant chooses not to do so. In cases where the complainant does not wish to submit a formal complaint but the Title IX Coordinator decides in their discretion to sign a complaint and initiate an investigation and resolution process, the Title IX Coordinator will not be a complainant or otherwise a party to the matter.

If some but not all of the allegations in the complaint satisfy all four of these elements and a formal complaint is received from a complainant or signed by the Title IX Coordinator, the College has the discretion to address the entire matter through the procedures applicable to Title IX Sexual Harassment matters as outlined below, including a live hearing (that is, the College will as required by the May 2020 Title IX regulations follow Title IX Sexual Harassment procedures to address the alleged Title IX Sexual Harassment, and it may choose, to promote efficiency, to follow Title IX Sexual Harassment procedures to address Non-Title IX Prohibited Conduct and other non-Title IX alleged misconduct in such mixed cases, so that all related misconduct may be addressed through one investigation and resolution process). The College will make such decisions in the exercise of its best judgment to promote efficiency, and in accordance with applicable law, regulation and U.S. Department of Education guidance.

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

- Even if the initial allegations of a matter fall within the definition of Title IX Sexual Harassment, the College may (but is not required to) dismiss a formal complaint or any allegations therein if at any time during the investigation or resolution process:
  - A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
  - The respondent is no longer enrolled at or employed by the College; or
  - Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

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

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

## 5. Notice

If the College initiates an investigation of Prohibited Conduct it will provide to the parties a written notice (by electronic or other means) that includes:

- Information about the College's formal and informal resolution processes;
- A statement of the allegations of behavior potentially constituting Prohibited Conduct, including sufficient details known at the time and with sufficient time to prepare a response before any initial post-intake interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Prohibited Conduct, and the date and location of the alleged incident, if known;
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- Information regarding the College's presumption of good faith reporting and a summary of the College's false information policy;
- Notification that parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
- Notification of existing counseling, health and mental health services available on campus and/or in the community;
- Notification that taking any retaliatory action (directly or through others) against any person because they are involved in the investigation is prohibited and will be considered a separate violation of College policy;
- Notification that the parties may inspect and review evidence during the investigation and resolution process, as provided below;
- The name of the investigator(s), as well as the right to file a written objection within two business days to the investigator(s) based on the grounds of actual bias for or against complainants or respondents generally, actual bias for or against a particular complainant or respondent, or conflict of interest;
- The right to file a written objection within two business days to the Title IX Coordinator, Deputy Coordinator, or designee based on the grounds of actual



bias for or against complainants or respondents generally or for or against a particular complainant or respondent, or conflict of interest;

- The right to suggest witnesses and provide evidence to the investigator(s); and
- The right to request accommodations related to the Investigation Process through the Office of Accessibility.

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

#### 6. Consolidation of Formal Complaints

The College may consolidate formal complaints as to allegations of Prohibited Conduct against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of such Prohibited Conduct arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this section to the singular “party,” “complainant,” or “respondent” include the plural, as applicable.

#### 7. Initial Meeting with Respondent

The respondent will also receive an invitation to meet with the Title IX Coordinator or designee to review the process, resources and the role of the advisor. If the respondent does not respond to the meeting request or is unable to meet within three (3) days, the Title IX Coordinator, Deputy Title IX Coordinator or designee will provide the following information in writing:

- On and off campus resources that may be available to the extent applicable, including counseling, health, mental health, victim advocacy, legal assistance (including visa and immigration assistance), student financial aid, and other available services;
- The range of Supportive Measures that may be available to the extent applicable, including changes to academic, living, transportation, and/or working situations, and other Supportive Measures described in this policy;
- An overview of the procedural options and processes; and
- The College’s policy prohibiting retaliation.
- The right to request accommodations related to the Investigation Process through the Office of Accessibility.

#### 8. Investigation

The Title IX Coordinator or designee will select an investigator or investigators (referred to here as “investigator” for ease of reference), who will conduct the investigation. The parties will be given notice of the identity of the investigator and an opportunity to object to their appointment, as noted above.

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

The 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 information to share. The investigator is not required to consider the evidence submitted or interview any particular witness, even if identified by one of the parties. However, in determining whether to interview witnesses or review evidence, the investigator should consider such factors as equity, fairness, thoroughness, and impartial treatment of both parties.

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 process under this policy. The advisor may advise the complainant or respondent privately, but cannot act as a speaking advocate at a meeting. An investigator or other College representative may terminate meetings, and/or proceed with the investigation 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.

The parties' equal opportunity to present witnesses may include evidence from fact and expert witnesses. Parties are not restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence. Parties whose participation is invited or expected will receive written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

## 9. Preliminary Investigative Report

Once the investigator has gathered all of the information that they determine should be gathered as an initial matter, they will prepare a preliminary investigative report. The preliminary investigative report will summarize relevant evidence but will not contain any recommendations regarding whether the respondent violated this policy or any other College policy at issue.

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

Given the sensitive nature of the information provided, the Title IX Coordinator or designee will provide the information for review in a secure manner (e.g., by providing digital copies of the materials through a protected, "read-only" web portal). Neither the Parties nor their advisors may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate, share, or remove the information provided, and they will be required to execute an agreement confirming that they will not do so. This agreement will cover the final investigative report and final compilation of evidence described below, which will be covered by the same restrictions. An advisor who fails to abide by this policy may be subject to discipline to the extent applicable and/or may be excluded from further participation in the process

## 10. Review and Response to Preliminary Investigative Report

The parties may respond to the Preliminary Report; the Parties must submit any response within ten (10) business days of being notified of their opportunity to review the report. The parties may respond in one or both of the following ways:

- The parties may provide a written response to the Preliminary Investigative Report, or any portion of it. The investigator will consider any written response provided by the parties in preparing the Final Investigative Report.
- The parties may submit a written request for additional investigation. Such requests may include, but are not limited to, the following: (1) request(s) for follow-up interview(s) with existing witnesses or the other party to clarify or provide additional information, including suggesting questions to the investigator(s) to pose to witnesses or the other party; (2) request(s) for interviews with new witnesses; or (3) request(s) to consider new evidence. Any request for additional investigation shall explain the reason for the request.

- If neither of the parties requests additional investigation, the investigator will prepare the Final Investigative Report. If either (or both) parties request additional investigation, the investigator will review the request(s) in consultation with the Title IX Coordinator or designee. The investigator will conduct the requested additional investigation if the investigator, in consultation with the Title IX Coordinator or designee, determines that the request(s) will assist the investigator in completing the investigation. The investigator and Title IX Coordinator or designee will assess whether investigation of the additional information requires a substantial deviation from the recommended timeframe for completion of the investigation; if so, the Title IX Coordinator or designee will notify the parties in writing with an anticipated revised time frame.

If the investigator conducts additional investigation, the investigator will prepare an Addendum to the Preliminary Report (“Addendum”). The Addendum will include: (1) a summary of the additional investigation; (2) a statement as to whether the additional investigation changed any finding in the Preliminary Report (and, if it did, the investigator will identify which finding(s) changed); and (3) additional exhibits, to the extent the additional investigation resulted in additional documentary evidence. The investigator will submit the Addendum to the Title IX Coordinator or designee. The Title IX Coordinator or designee may require the investigator to conduct additional investigation before the Addendum is deemed complete.

Once the Title IX Coordinator or designee has agreed that the Addendum is complete, the Title IX Coordinator or designee will provide the Preliminary Investigative Report, any Addendum, and any exhibits to the parties and their advisors for review, through a secure information-sharing process, and subject to the same restrictions on duplication, re-distribution, etc., as are outlined above. The investigator will then work to prepare the Final Investigative Report, as described below.

#### 11. Final Investigative Report

- l.* After considering and addressing as deemed appropriate any written response submitted by either party and/or any additional information addressed in an Addendum, if applicable, or after the 10 business day comment period has lapsed without receiving a written response or responses to the Preliminary Investigative Report, the investigator will prepare a Final Investigative Report. The Final Investigative Report will include the investigator’s non-binding recommendation as to whether the respondent should be found responsible for violating the policy provisions at issue. The investigator’s recommendation will be reached by applying the preponderance of evidence standard, i.e., whether it is more likely than not that the policy was violated. The Final Investigative Report will be reviewed by the Title IX Coordinator before it is issued.

- II. The Final Investigative Report will be made available to each party and their advisor. Each party will have a period of 10 days from when the Final Investigative Report is made available to prepare and submit to the Title IX Coordinator a written response to the Final Investigative Report, if they choose to do so. The Title IX Coordinator will make any such comments available to the appropriate decision-maker under the applicable Formal Post-Investigation Process as provided below for consideration by such decision-maker, and to the other party.

## **FORMAL POST-INVESTIGATION PROCESS ALTERNATIVES**

Once the investigation has been completed, the matter will move to resolution through one of three formal alternative resolution processes, as follows:

1. If any allegations of Prohibited Conduct raised in the matter fall within the definition of Title IX Sexual Harassment, the resolution process will be overseen by the Title IX Coordinator or designee and will proceed to a live hearing and, if applicable, sanctioning and appeal process as described immediately below.
  - a. As noted above, if some but not all of the allegations in a complaint satisfy all four of the elements of a Title IX Sexual Harassment matter and a formal complaint is received from a complainant or signed by the Title IX Coordinator, the College has the discretion to address the entire matter through the procedures applicable to Title IX Sexual Harassment matters as outlined immediately below, including a live hearing (that is, the College will as required by the May 2020 Title IX regulations follow Title IX Sexual Harassment procedures to address the alleged Title IX Sexual Harassment, and it may choose, to promote efficiency, to follow Title IX Sexual Harassment procedures to address non-Title IX Prohibited Conduct and other non-Title IX alleged misconduct in such mixed cases, so that all related misconduct may be addressed through one investigation and resolution process). The College will make such decisions in the exercise of its best judgment to promote efficiency, and in accordance with applicable law, regulation and U.S. Department of Education guidance.
2. If all of the allegations of Prohibited Conduct fall outside of the definition of Title IX Sexual Harassment and the respondent is a student, the post-investigation resolution process will be overseen by the Dean of Community. The Dean or their designee will review the Final Investigative Report and all related evidence and issue a written determination. If appropriate, the Dean or their designee will issue written sanctions. In such cases, these post-investigation procedures will apply exclusively, and the

Title IX Sexual Harassment post-investigation hearing, sanction and appeal process described immediately below will not apply.

3. If all of the allegations of Prohibited Conduct fall outside of the definition of Title IX Sexual Harassment and the respondent is an employee, the post-investigation resolution process will be overseen by the Dean of Community, or their designee(s), who will review the Final Investigative Report and all related evidence, and issue a written determination. If appropriate, sanctions will be written. In such cases, these post-investigation procedures will apply exclusively, and the Title IX Sexual Harassment post-investigation hearing, sanction, and appeal process described immediately below will not apply.
  - a. As noted above, if the respondent is a student and an employee, the Title IX Coordinator will determine which procedures will apply based upon the facts and circumstances, such as whether the respondent's status as a student or an employee predominates in the context of the alleged Prohibited Conduct. If a student-employee is found to have engaged in Prohibited Conduct, the student-employee may be subject to sanctions both in connection with their employment, and in connection with their student status, as appropriate.

## HEARING PROCESS IN CASES INVOLVING TITLE IX SEXUAL HARASSMENT ALLEGATIONS

The following hearing procedures will apply only in cases that fall within the definition of Title IX Sexual Harassment (i.e., Title IX misconduct as defined above, that allegedly occurred in a College education program or activity in the United States, and about which the College receives a formal complaint).

### *1. Hearing Officers*

Hearings will be presided over by a hearing officer, who will make the decision as to whether or not the respondent violated the Policy provisions at issue. This decision will be made using the preponderance of the evidence standard, which means that a Policy violation will only be found if the evidence establishes that it is more likely than not that the violation occurred. The hearing officer has broad authority to determine the process, timing and conduct of a hearing. For example, the hearing officer will determine the order of presentation, timing and overall duration of the hearing, what information and evidence will be heard, what information and questions are relevant to the determination of the matter, and what cross-examination questions will or will not be permitted.

Hearing officers will be appointed by the Title IX Coordinator. Hearing officers may be College employees or may be retained by the College to serve in the hearing officer role in particular cases, as deemed appropriate by the College. In selecting a

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

## 2. Advisors

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

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

## 3. Requests for Appearance of Witnesses

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

information, the Title IX Coordinator or designee will inform the witness that their presence at the hearing is requested. Witnesses are not required to attend the hearing.

#### 4. Conduct of Hearings and Relevance

At or before the hearing, the hearing officer will receive a copy of the Final Investigative Report, any attachments thereto, and copies of the parties' written responses to the Final Investigative Report, if any, which will be part of the information of record to be considered by the hearing officer. The recommendation regarding responsibility made by the investigator in the Final Investigative Report is only advisory and is not binding on the hearing officer; the hearing officer will make an independent determination regarding responsibility based upon the investigative report, evidence admitted at the hearing, and the testimony and cross-examination of parties and witnesses at the hearing, as applicable.

Ordinarily, new evidence may not be introduced during the hearing. If there is a request to introduce new evidence, the hearing officer will determine in their discretion (considering factors such as, but not limited to, whether the evidence was reasonably available to the party during the investigation, the apparent materiality and relevance of the evidence, and prejudice to the other party and delay that could follow from introduction of the new evidence), and whether to allow the evidence to be introduced, to exclude the new evidence, or to suspend the hearing and require further investigation regarding the new evidence.

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

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

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

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



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

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

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

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

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

If a party or witness does not submit to cross-examination at the live hearing, the hearing officer will only consider any statement of that party or witness in reaching a determination regarding responsibility to the extent permitted by the law, Title IX regulations and/or U.S. Department of Education guidance that apply or applies as of the time of the hearing. The hearing officer will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

## 5. Record of Hearings

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

## 6. Determinations Regarding Responsibility

Within ten (10) business days after the hearing, the hearing officer (and if necessary the sanctioning officer, as provided below) will prepare and issue a written determination regarding responsibility and sanctions. In determining responsibility, the hearing officer will apply the preponderance of the evidence standard. The written determination will include:

- Identification of the section(s) of the College's Title IX Sexual Harassment policy alleged to have been violated;
- A description of the procedural steps taken from the receipt of the complaint through the determination, including but not limited to, as applicable, any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of definitions of sexual harassment in the College's Title IX Sexual Harassment Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility and, where necessary and in collaboration with the sanctioning officer, a statement regarding any sanctions and the rationale therefor; and
- Identification of the College's procedures and permissible bases for the complainant and respondent to appeal (as outlined below).

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

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

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

## **SANCTIONS**

If the respondent is found responsible for one or more violations of this Policy (and/or other College policies, in mixed Title IX Sexual Harassment/other policy violation cases), the College will issue sanctions commensurate with the violation(s).

In cases where the respondent is a student, the Dean of Community will issue final sanctions. In cases where the respondent is a faculty member, the Dean of Academics will issue final sanctions. In cases where the respondent is an employee, the Chief Operating Officer will issue final sanctions.

Remedies or sanctions for violations of the College's Sexual Misconduct Policy may include but are not limited to:

- Verbal or written warning;
- training;
- counseling;
- probation;
- No Contact Order;
- No Trespass Order;
- suspension of a student's enrollment (with or without case-specific conditions on re-enrollment), or suspension of an employee without pay;
- dismissal from employment;
- dismissal from the College;
- temporary or permanent transfer to a different position;
- class or academic re-assignment;
- reassignment of work or academic work;
- referral to another College process as necessary to determine employment status-related issues; or
- alteration of living or work environment.

The responsible office may consider the cumulative disciplinary history of the respondent, if any, when making sanctioning decisions.

As noted above, the College's decision on any sanctions and an explanation of the rationale therefore will be documented in the written determination. Thus, in cases where the hearing officer determines that the respondent is responsible for a policy violation, the hearing officer and the sanctioning officer will work together to prepare a single written determination document that will contain all of the information listed above, as applicable. Such written determination will be provided simultaneously to both parties.

## **SUPPORTIVE MEASURES**

Non-disciplinary supportive measures such as no-contact orders may be enacted or continued even in cases in which the respondent is not found responsible for a policy violation.

## **APPEALS IN CASES INVOLVING ALLEGATIONS OF SEXUAL MISCONDUCT**

Both parties have the right to appeal decisions made through the process outlined above. All appeals must be made in writing and sent to the Title IX Coordinator. An appeal of any decision must be received within ten (10) business days after the parties have been informed of the decision. Appeals are heard by an appeal officer.

Parties may appeal either:

1. The Title IX Coordinator's dismissal of a formal complaint for Title IX purposes, or
2. A determination regarding responsibility and/or sanctions, if applicable, on the grounds that:
  - a. there was a procedural error that unfairly affected the outcome;
  - b. there is new information that was not reasonably available during the investigation and resolution process that would have affected the outcome;
  - c. The Title IX Coordinator, investigator, or decision-maker(s) had a conflict of interest or actual bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; or
  - d. the sanctions imposed are disproportionate to the nature and severity of the offense.

The role of the appeal officer is limited. Appeals are not intended to be a full rehearing of the reported conduct. Appeals are confined to a review of the record on the grounds stated above. The individual appealing carries the burden to demonstrate that either the alleged procedural error, the proposed new evidence, or the alleged bias/conflict of interest affected the outcome of the proceeding, or that the sanctions imposed are disproportionate to the nature and severity of the offense.

The party who submits the written appeal will be the "appellant," and the other party will be the "appellee." The appellee will have five (5) business days to submit a response to the written appeal. At the conclusion of these time periods, the Title IX Coordinator will refer the written appeal, the Final Investigative Report, any exhibits

admitted at the hearing, a recording of the live hearing, and the written determination (the "Appeal Record"), to an appeal officer.

The Title IX Coordinator or designee will appoint the appeal officer and will notify both parties of that appointment. Both parties will have two (2) business days to object to the appeal officer's selection on the basis of actual bias for or against complainants' correspondents generally or a particular complainant or respondent, or conflict of interest. If the Title IX Coordinator determines that an appeal officer may have actual bias or conflict of interest, the Title IX Coordinator will remove the appeal officer and designate a new appeal officer. This process can be repeated as necessary.

The appeal officer will determine whether any grounds for the appeal are substantiated. If the appeal officer determines that none of the grounds are substantiated, the appeal officer will share that determination with the Title IX Coordinator. The Title IX Coordinator or designee will notify both parties of that outcome. If the appeal officer determines that one or more grounds for the appeal is/are substantiated, the appeal officer will take appropriate action as indicated below.

*Procedural Error:* If it is determined that a procedural error affected the outcome, the appeal officer may return the matter to the investigator or the hearing officer with instructions to correct the error, and to reconsider the findings as appropriate, or to take other action as deemed appropriate.

*New Information:* If the appeal officer determines that new information should be considered, the matter will be returned to the investigator if additional investigation is needed. The investigator(s) will prepare an Addendum to the Final Investigative Report, and provide the parties with an opportunity to respond to the Addendum consistent with the opportunity to do so in accordance with the procedures outlined above. An additional hearing will be conducted as deemed necessary, focused on the new information only.

*Bias or Conflict of Interest:* If the appeal officer determines that there was actual bias or conflict of interest on the part of the investigator that affected the outcome, the appeal officer may order a new investigation with a new investigator, and a new resolution process or live hearing as appropriate. If the Appeal Officer determines that there was actual bias or conflict of interest on the part of the hearing officer that affected the outcome, the appeal officer may order a new resolution process or live hearing as appropriate.

*Sanctions:* If the appeal officer determines the sanctions imposed are disproportionate to the nature and severity of the offense, the appeal officer in conjunction with the appropriate Officer may modify the sanctions.

#### Notification of Appeal Outcome

The appellant and the appellee will be notified simultaneously in writing of the outcome of the appeal. The appeal officer's decisions are final and are not subject to appeal.

## **ADDITIONAL PROVISIONS REGARDING FORMAL RESOLUTION OF ALLEGATIONS OF PROHIBITED CONDUCT**

### **ADDITIONAL CHARGES**

The College reserves the right to charge parties with additional violations of the Sexual Misconduct Policy as appropriate based on new information that is provided during the course of the investigation.

### **TRAINING**

The College provides training to all individuals within the community who are involved in responding to, investigating, or resolving reports of Prohibited Conduct. Applicable Training materials will be posted on the College's web site as required by May 2020 TitleIX regulations. If the College retains an individual outside the community to respond to, investigate, or resolve reports of Prohibited Conduct, the College requires that the retained individual has received adequate training consistent with the College's Standards.

### **NOTIFICATIONS**

The Title IX Coordinator, Deputy Title IX Coordinator, or designee will make reasonable efforts to ensure that the complainant and the respondent simultaneously are notified of the status of the investigation and resolution process, consistent with the processes described herein. Both Parties may, at any time, request a status update from the Title IX Coordinator, Deputy Title IX Coordinator or designee.

### **MODIFICATION OF INVESTIGATION AND RESOLUTION PROCESS**

The College will follow the investigation Process described herein barring exceptional circumstances. In exceptional circumstances, however, the College may be required to adapt or modify the investigation and resolution process (including timelines) to ensure an equitable resolution of a report of Prohibited

Conduct. The College reserves this right. In such instances, the College will notify both Parties of the modification of the process and, if appropriate, the exceptional circumstances requiring the College to adapt or modify the process.

## **ALCOHOL AND SUBSTANCE USE**

As noted above, the purpose of this investigation and resolution process is to resolve reports of Prohibited Conduct. It is not the purpose of this investigation and resolution process to subject individuals to disciplinary action for their own personal consumption of alcohol or drugs. Consistent with the purpose of this process, the College will not subject individuals who participate in the process to disciplinary action for information revealed in the course of the process, provided that the individual's behavior did not, and does not, place the health and safety of others at risk. In all instances, the College may pursue educational initiatives or remedies related to an individual's consumption of alcohol or drugs. The use of alcohol or other drugs will never function as a defense for engaging in Prohibited Conduct.

## **PAST SEXUAL HISTORY**

In general, a complainant's prior sexual history is not relevant and will not be provided to the Investigator(s) by the College. Where there is a current or ongoing relationship between the complainant and the respondent, and the respondent alleges consent, the prior sexual history between the Parties may be relevant to assess the manner and nature of communications between the Parties. However, the mere fact of a current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent.

## **RESPONDENT'S PRIOR CONDUCT HISTORY**

Where there is evidence of pattern of conduct similar in nature by the respondent, either prior to or subsequent to the conduct in question, regardless of whether there has been a finding of responsibility, this information may be deemed relevant and probative to the Investigator(s)'s determination of responsibility, and/or the sanctioning official's determination of sanction. The Title IX Coordinator, Deputy Title IX Coordinator or designee will make a determination of relevance based on an assessment of whether the previous incident was substantially similar to the conduct cited in the report and indicates a pattern of behavior and substantial conformity with that pattern by the respondent.

The College, in consultation with the Title IX Coordinator, may choose to provide this information to the Investigator(s), with appropriate notice to the Parties. Alternatively, a party may request in writing that information under this section be

admitted. A request to admit such information must be submitted to the Deputy Title IX Coordinator. The Deputy Title IX Coordinator in consultation with the Title IX Coordinator will assess the relevance of this information and determine if it is appropriate for inclusion in the investigation report and or shared with investigators as appropriate.

## **CONSOLIDATION OF INVESTIGATIONS**

The Deputy Title IX Coordinator or designee, in consultation with the Title IX Coordinator has the discretion to consolidate into one investigation and resolution process multiple reports against a respondent, cross-complaints between a complainant and a respondent, and/or reports that the respondent may have violated College conduct standards that fall outside the scope of the Sexual Misconduct, Intimate Partner Violence and Stalking Policy, if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident, or doing so is otherwise deemed appropriate under the circumstances. Matters may be consolidated where they involve multiple complainants, multiple respondents, or related conduct that violates the College Behavior Guidelines.

## **FAILURE OF ADVISOR TO COMPLY WITH INVESTIGATION AND DISCIPLINARY PROCESS**

If an Advisor fails to comply with the procedures set forth here, including through a material breach of confidentiality about the investigation and resolution process, the College reserves the right to exclude the Advisor from further participation in the process. Advisors may not speak for, or on behalf of, Parties.

## **INTEGRITY OF PROCEEDING**

These procedures are entirely administrative in nature and are not considered legal proceedings, but rather procedures designed to address College policy violations. Neither party may audio or video record the proceedings.

## **WITHDRAWAL FROM THE INSTITUTION WITH CHARGE PENDING**

If a student makes the decision to withdraw from Sterling College after a notice of investigation is communicated to the student but before findings and a determination of responsibility are made, the College will suspend the disciplinary process at the time of withdrawal. The College will however gather information as it deems appropriate in order to facilitate the College's consideration of the matter



if the student seeks readmission at a later time. The student's conduct file will reflect that the charge(s) is/are pending and were suspended because of the withdrawal. The investigation and resolution process will resume if and when the student seeks readmission or re-enrollment.

## **RECORDS**

The Title IX Coordinator or a member of the Title IX Team will retain records of all reports and complaints, regardless of whether the matter is resolved by means of Initial Assessment or the investigation and resolution process. Complaints resolved by means of an Initial Assessment are not part of a student's conduct file or academic record.

Findings of responsibility in matters resolved through the investigation and resolution process are part of a student's and employee's conduct record. Such records shall be used in reviewing any further conduct, or developing sanctions, and shall remain a part of a student's conduct record.

In addition to records kept by the Title IX team, the conduct files of students who have been suspended or dismissed from the College are maintained by the College indefinitely. Conduct files of students who have not been suspended or dismissed are maintained in the Office of the Dean of Students for no fewer than seven years from the date of the incident. Records pertaining to cases involving faculty respondents will be maintained by the Office for the Dean of Academics and the Dean of Community Office, and records pertaining to cases involving non-faculty employees and contractors will be maintained by the Office of Personnel and the Dean of Community Office.

## **INFORMAL RESOLUTION PROCEDURES**

### **1. INFORMAL RESOLUTION OF MATTERS THAT INVOLVE ALLEGATIONS OF TITLE IX SEXUAL HARASSMENT**

Informal resolution is a voluntary resolution option that does not involve formal hearing-based resolution procedures. Informal resolution may be used in Title IX Sexual Harassment matters in which a formal complaint has been filed by a complainant or signed by the Title IX Coordinator, or other matters that fall within the scope of this Policy.

At any time prior to reaching a determination regarding responsibility, the College may facilitate an informal resolution process (e.g., mediation or restorative justice) where requested by a party and agreed to by both parties. 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, the College will provide to each party a written notice that discloses:

1. The allegations;
2. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations;
  - a. As noted below, the College generally permits parties to withdraw from the informal resolution process and initiate or re-initiate a formal investigation and hearing process at any time before the informal resolution process is completed and any informal resolution is agreed to in writing by the parties; and
3. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

All parties and the Title IX Coordinator must agree to informal resolution for this option to be used. The Title IX Coordinator will assess the request for informal resolution in light of factors such as, but not limited to, the severity of the alleged violation and the potential risks to campus community members posed by the reported misconduct. The College will only proceed with an informal resolution process if both parties provide their voluntary, written consent to having the matter resolved through the informal resolution process.

The matter will be deemed resolved if and when the parties expressly agree in writing to an outcome that is acceptable to them and which is approved by the Title IX Coordinator (in consultation with other College administrators as deemed necessary). A party may withdraw from the informal resolution process at any time prior to their execution of a written informal resolution agreement. After an informal resolution is agreed to in writing between the parties, neither party may initiate a formal resolution process regarding the same factual allegations.

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

## **2. INFORMAL RESOLUTION OF NON-TITLE IX PROHIBITED CONDUCT AND OTHER CASES**

Informal resolution may also be used in non-Title IX Prohibited Conduct cases that do not involve allegations of Title IX Sexual Harassment and/or other alleged policy violations, whether or not a formal complaint has been filed by a complainant or signed by the Title IX Coordinator, as deemed appropriate by the Title IX Coordinator. The procedures for such informal resolutions will be determined at the discretion of the Title IX Coordinator with agreement of the parties, as appropriate.

The College will not offer to facilitate, and will not utilize, an informal resolution process in any case involving allegations that a College employee sexually harassed a student.

## **MANDATORY REPORTING POLICY**

### **TITLE IX REPORTING**

Title IX is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. All faculty, employees, and students in supervisory positions are expected to report acts of sexual and gender discrimination-including sexual violence and harassment- involving any member(s) of the campus community, guests, or visitors to the Title IX Coordinator without delay.

## **EMERGENCY LOCATABLE 911 ADDRESSES - VERMONT**

Alder House	236 Dustan Road
Houston House	1147 North Craftsbury Road
Birch House	230 Dustan Road
Kestrel House	19 Sterling Drive
Merlin House	1253 North Craftsbury Road
South House	1162 North Craftsbury Road
North House	1346 North Craftsbury Road
The Farm Between	3727 VT-15, Jeffersonville, VT 05464
Brown Library	1205 North Craftsbury Road
Dunbar Hall	30 Sterling Drive
Farm	1225 North Craftsbury Road
Kane Hall	16 Sterling Drive
Cedar Cottage	1147 North Craftsbury Road
Parsonage	1445 North Craftsbury Road
Paradise	1307 North Craftsbury Road
Simpson	1322 North Craftsbury Road

