



**CHAMPLAIN
COLLEGE**

2024 Annual Security & Fire Safety Report



Information for the 2024-2025 Academic Year

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The Jeanne “Clery Act”- Campus Security Policy and Campus Crime Statistics Document.

I am pleased to present the 2024 Champlain College Annual Security Report (ASR) and Fire Safety Report. This report is prepared by the Campus Public Safety Office on behalf of the College and complies with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The intent is to make safety related materials and statistics readily available to the Champlain College Community. Crime statistics include those reports made to local police, Campus Public Safety (CPS) and Campus Security Authorities (CSA). With this publication, it is our intent to document mandatory information, i.e., crime statistics and fire safety data, as well as inform current students, employees and prospective students as to the many ways in which the College strives to enhance the safety our community.

CPS is committed to working collaboratively with all our community partners, both internally and externally, in order to create a safe and welcoming campus environment. We encourage you to read, understand and use all the precautions outlined herein, as well as use the many resources available to you.

The ASR is housed within the Campus Public Safety Office and a copy is attached to the information bulletin board. All are welcome to stop by and review the ASR or request a copy; there is no cost associated.

This ASR, published as of October 1, 2024 is Champlain’s official ASR.

Respectfully,

Bruce D. Bovat
Director, Campus Public Safety
Champlain College
802-860-2755
bbovat@champlain.edu

Campus Safety and Security Reporting:

Choosing a College is a monumental decision for students and their families. Along with academic, financial and geographical considerations, the topic of safety plays a vital role in the decision-making process. In 1990, Congress enacted the Crime Awareness and Campus Security Act of 1990 (Title II of Public Law 101-542), which amended the Higher Education Act of 1965 (HEA). This act required all post-secondary institutions participating in HEA's Title IV student financial assistance programs to disclose campus crime statistics and security information. The act was amended in 1992, 1998 and 2000. The 1998 amendments renamed the law, The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act in memory of a student who was slain in her dorm room in 1986. It is generally referred to as the Clery Act.

On Aug. 14, 2008, the Higher Education Opportunity Act or HEOA (Public Law 110-315) reauthorized and expanded the Higher Education Act of 1965, as amended. HEOA amended the Clery Act and created additional safety related requirements for institutions to follow. Specifically, it added:

- New categories to the list of hate crimes, all institutions must disclose (Clery Amendment);
- A new disclosure regarding the relationship of campus security personnel with state and local law enforcement agencies (Clery amendment);
- Implementation and disclosure of emergency notification and evacuation procedures for all institutions (Clery amendment);
- Implementation and disclosure of missing student notification procedures for institutions with on-campus student housing facilities (HEOA);
- Fire safety reporting requirements for institutions with on-campus student housing facilities (HEOA);
- Text clarifying the definition of an on-campus student housing facility (Clery and HEOA); and
- A Program Participation Agreement (PPA) requirement concerning disclosure of the results of disciplinary proceedings to the alleged victim of any crime of violence or a non-forcible sex offense (HEOA).

Although HEA, as amended, is the law that governs the administration of all federal higher education programs, as used in this report, HEA refers only to the Clery Act and HEOA safety- and security-related requirements.

Campus Public Safety (CPS)

Mission Statement

We are dedicated to working collaboratively with our partners to foster and maintain a safe, respectful and resilient environment in which to live, learn and work.

Core Values

Respect: *We will treat all people with dignity and courtesy while promoting equity and fairness.*

Integrity: *We will embody the highest ethical standards as well as promote the moral principles needed to build trust with those we serve.*

Service: *We will utilize a calm, courteous and reassuring approach when serving the Champlain College Community and our neighbors.*

Innovation: *We will approach every challenge as an opportunity to create positive change.*

The Champlain College Campus Public Safety Office takes great strides to promote the welfare and safety of our students, staff, faculty and guests. CPS has developed procedures, policies and programs to help promote a safe and secure living, learning and working environment. While no town or college, regardless of its size, is free of crime, we believe our policies and procedures, in conjunction with the efforts of our campus partners, work to make Champlain a safer community.

The CPS Office is located within Durick Hall (174 South Willard Street) and is staffed 24 hours a day, 365 days a year. Those needing assistance can stop at the office or call **802-865-6465** to speak with an officer. CPS Officers are not sworn police officers and therefore do not have arrest powers; however, CPS has established a strong, professional relationship with the Burlington Police Department (BPD). Although no written memorandum of understanding exists, the BPD continues to respond to the Champlain College Campus as needed to address violations of law as well as assist in community care-taking functions. Should the need ever arise CPS is prepared to work closely with other state and federal law enforcement entities as well.

CPS Officers provide a myriad of safety and security services for the campus and other properties, owned, leased or otherwise controlled (in Vermont) by the College. Officers conduct campus patrols on foot, by bike and via marked patrol vehicles. All officers are certified in first aid and CPR, as well as trained in the use of AED (defibrillators) devices and the administering of Naloxone (“Narcan”) nasal spray. CPS Officers carry digital two-way radios to communicate with one another as well as the 24-hour dispatch center located within the University of Vermont Police Services Department.

Daily Crime Log and the Annual Security Report:

The purpose of the daily crime log is to record all criminal incidents and alleged criminal incidents that have been reported to have occurred on the College property, properties under control of the College and adjacent public property. The Crime Log is updated no later than two business days after CPS is notified of a crime. The crime log, as with the ASR, are maintained and housed within the CPS Office.

Campus Crime Reporting and CPS Response:

While CPS Officers strive to be omni-present, they cannot be everywhere at all times and therefore they rely upon members of the College Community to report suspicious activity, crime, and emergencies as they become aware of them. We encourage accurate and prompt reporting of all crime to our office and to appropriate police agencies as needed, to possibly include when the victim of crime chooses not to, or is unable to, make such a report. Campus Public Safety can be reached by calling **802-865-6465** and **911** is always a valid option during an emergency.

Upon receiving a call, CPS personnel will promptly respond to evaluate the situation, and if need be coordinate with local authorities and additional campus staff. In a police, fire, or medical emergency, CPS will respond and stay on scene until the responding agencies have cleared. At that time CPS will inform other College officials of the situation as needed.

The Campus Public Safety Director communicates regularly with the Burlington Police Department (BPD). As previously stated, no written memorandum of understanding exists, however, BPD has and will continue to respond to calls for service on our campus and will investigate all alleged criminal offenses. Champlain College does not have officially recognized student organizations with off-campus addresses.

Students looking for crime related information or assistance, or those that wish to discuss campus safety and crime prevention, can contact Campus Public Safety at **802-865-6465** regardless of the time of day or via publicsafety@champlain.edu (*this email is not monitored 24 hours a day, please use the phone for immediate needs*). The CPS Office will assist the student in reporting an incident or suspicious activity and connect them with additional resources as needed. Students, faculty and staff are encouraged to contact CPS with questions regarding personal safety, loss, theft, or damage of personal property.

Because the College does not carry insurance on students' personal property, it cannot assume responsibility for any of their personal possessions that may be lost, stolen, or damaged. Students are responsible for insuring their personal property and may be able to do so under their family's homeowner's policy. If you suspect that any of your belongings have been stolen, please promptly notify Campus Public Safety.

Violations of law will promptly be referred to law enforcement agencies and/or the Office of Community Standards for review and recorded on the daily crime log.

Tips for reporting a crime or emergency:

- Try to remain calm.
- Provide the location of the incident, building name, room number and/or parking lot.
- Identify yourself and give a callback telephone number. Your identity will remain confidential if you wish; however, it may be important that we are able to contact you again if we need additional information.
- State the nature of the incident you are reporting (i.e., theft, medical emergency, fire).
- Advise if medical treatment is needed.
- State any Person of Interest's (POI's) direction of flight, if applicable.
- Stay on the phone until the dispatcher or officer has recorded all of the information.

Security Awareness and Crime Prevention Efforts:

Campus Public Safety provides on-going programs to educate members of the campus community about safety practices. Programs include:

Safety Presentations: Each year CPS presents a 75 minute "Safety First" and "Active Shooter Preparedness" presentation during the new student orientation. "General" Safety forums are offered to the community throughout the school year as well as safety related briefs upon request. CPS staff and Residential Life staff also visit residence halls upon request to educate all residents on various aspects related to safety. Topics include, but is not limited to, fire safety, theft prevention, personal safety, dating and domestic violence prevention, stalking and sexual assault prevention. The common goal to these presentations is the promotion of self-awareness as well as personal responsibility for one's safety. Similar safety awareness and crime prevention presentations take place for all new employees during new hire orientation which occur upon request from the People Center (Human Resources).

Self-Defense Classes: Campus Public Safety Officers has facilitated classes on basic self-defense (free of charge) to students, faculty and staff alike and stands ready to do more if enough interest is expressed. Once an interest is expressed CPS will publicize the course in hopes of attracting an adequate number of participants.

Investigations: All crime or safety related reports generated by CPS Officers are reviewed by the Director of Public Safety and/or the Assistant Director for quality assurance. For greater quality control, all Campus incidents are reviewed weekly by members of the CARE Team. CARE is a multi-disciplinary team that review reports of concern looking for behaviors that may be perceived as concerning, threatening, harmful or disruptive to the student or others. CARE members include representatives from the offices of Student Affairs, Residential Life, Community Standards, Campus Public Safety, Counseling Services, the Provost's Office and

the Student Health Center. Collaboratively the CARE team works to identify proactive resources and guidance.

Lighting and Grounds Surveys: During routine foot patrols on campus the CPS Officers review exterior lighting as well as identify safety issues using Crime Prevention Through Environmental Design (CPTED) techniques. During inclement weather CPS will monitor snow & ice to promote safe pedestrian travel on walkways. It should be noted, many of the adjacent sidewalks are owned by the City of Burlington and therefore are maintained by the City of Burlington.

Safety Escort Service: A 24-hour safety escort is available to Champlain College affiliates between points on campus, and to the University of Vermont Medical Center for non-emergency medical attention.

Building Security: Champlain College is an active member in the Burlington Community and hosts many activities and programs that are open to the public. The campus and its buildings (with the exception of residential halls) are open to the general public during regular business hours. In order to enhance safety, CPS conducts a series of lock-ups each evening for all administrative and academic buildings. Residential halls are locked 24 hours a day with the exception of specific events, i.e. first year student move in day.

Residential Hall Safety: In 2023 Champlain College had 27 co-ed residential halls, which housed over 1,300 students during the academic year. Residential students are provided ID cards that serve as electronic key access cards, or a standard key, to access their residence halls. Guests and delivery personnel may use the front door to contact residents. Students are expected to meet their guests and accept deliveries at the Res Hall entrance. Throughout the year, Resident Assistants (RAs), Student Life Staff and CPS staff will remind residents of the importance of not allowing strangers into the residence halls.

Residents locked out of their room, when no RA is on duty, may contact CPS to gain access to their room. CPS Officers will require a photo ID to verify the person in question resides in the room they are granting access to. If a student is unable to provide their student ID, CPS will work to verify the student's identity through one of the school's databases.

Each 24-hour shift CPS Officers check the interior and the exterior perimeter of the residence halls. Continuous safety patrols of the residence hall areas are conducted and potential problems are addressed in a timely manner.

Emergency Call Boxes a.k.a. "Blue Light Phones":

Emergency call boxes, a.k.a., "blue light phones" are available at 14 locations throughout the campus to immediately notify CPS of serious concerns or emergencies. These blue light phones are strictly intended for emergencies and connect the caller directly to Campus Public Safety. A blue light is situated above the phone to help to quickly identify the phone's location. All

phones are handicapped accessible. All elevator emergency phones are programmed to call the Campus Public Safety Office as well.

Emergency Call Box “Blue Light” Locations:

- Bader Hall, east side (near shuttle stop)
- Boardman Hall (381 Main St), garage and north entrance
- Butler Hall, southern side (near Coolidge Hall)
- Cushing Hall, east entrance
- Cushing Hall, westside
- Hauke Center/CCM, north entrance
- Garden House, eastside
- The Gallery
- Finney Quad, Valcour east entrance
- 175 Lakeside Building
- Perry Hall, walkway near north entrance
- Perry Hall Barn
- SLC, courtyard entrance

How to Use the Emergency Call Boxes:

Press and release the button marked "**PUSH.**" (No dialing is necessary) the call will automatically be connected to the Campus Public Safety Officer on duty via the CPS on-duty cell phone. After four rings if the cell phone is not answered, the call is forwarded to the CPS Dispatch Center.

What to Tell Campus Public Safety When Calling:

1. Your **name**
2. Your **location**
3. The **nature** of the emergency

A CPS Officer will provide further instructions and will respond to the emergency location, unless the situation dictates otherwise.

LiveSafe Safety App

CHAMPLAIN COLLEGE

LiveSafe safety app is now available!

It's like having a blue light in your hand.

- Emergency call button
- Virtual escort & route tracking
- Crisis response resources
- Health & safety resources

Download now!

Questions? Email publicsafety@champlain.edu

The LiveSafe App is like having a mobile blue light on your phone; we encourage you to download it and use it anytime you may need help. This could include reporting concerning behavior, getting connected to a Champlain Campus Public Safety Officer or the Burlington Police, utilizing the virtual SafeWalk feature, or finding helpful information pertaining to health and safety resources, including mental health support.

<https://www.champlain.edu/current-students/campus-services/campus-safety/livesafe-safety-app>

Potential Threats:

All students, faculty and staff should be committed to promoting the safety and security of the campus and workplace environment. As such, anyone who believes that an individual (student, faculty, staff member or guest) has committed or may commit an act of violence, or is engaging in behavior that generates concern or otherwise may pose a threat to the health or safety of any member of the College community, is encouraged to call Campus Public Safety immediately at **(802) 865-6465**. In case of an emergency **911** remains a viable option.

Below are individuals to contact if you have concerns about threatening statements or behaviors. If the statements appear to present an imminent threat; **call Campus Public Safety 802-865-6465 (24 hours a day)**

Director, Campus Public Safety
Dean of Students

Bruce Bovat
Susan Waryck

(802) 860-2755
(802) 860-2702

Office of Counseling	Skip Harris	(802) 651-5961
VP of Student Affairs	Danelle Berube	(802) 865-5460
Office of Community Standards	Cory Davis	(802) 865-6428

For concerns that **do not** appear to present an imminent threat, individuals may still contact individuals above as well as those additional contacts listed below.

People Center	Gwen Goodman	(802) 865-5769
Academic Affairs	Monique Taylor	(802) 865-5715

Reports are reviewed to determine the appropriate response; the response may include, but would not be limited to, a referral to a mental health counselor or the Community Standards Officer. In situations where an individual has concerns about someone's behavior, but is unsure whether such behavior poses a "threat" to self or others, should report the information to Campus Public Safety or one of the individuals listed above. Individuals who wish to report crimes voluntarily and confidentially, that is to say anonymously, may still call Campus Public Safety at **(802) 865-6465**. Campus Public Safety is more concerned with your information than your name.

The College will defer to the professional judgment of its counseling staff as to whether they should inform the individuals that they are counseling, as to the procedures to report crimes on a voluntary basis for inclusion in the College's annual crime statistics. The College's professional counselors are not required to report crimes for inclusion in the statistics that they learn of in the course of their counseling, unless the information poses a clear and present danger to the greater community.

**Emergency Notifications/ Timely Warnings/ Campus Safety Advisory:
Emergency Notification System (RAVE Mobile):**

Emergency Notifications: Champlain College utilizes the RAVE Mobile Safety platform as the campus emergency mass notification system to alert students and employees if danger is present or imminent, on or near the College campus. (*i.e. severe weather, acts of violence or any other event that could threaten the health and well-being of the campus residents*). Prior to sending the notification the College will, without delay, assess all available information to best determine the content of the notification. When an alert is sent, affiliates should be given specifics about the danger as well as where to go for additional updates. Updates will continue until the threat no longer exists.

The Campus Public Safety Director or his/her designee will draft and send an emergency message after conferring with pre-designated College officials. The sender will determine the content of the notification by considering all reported and known information and mitigating factors (*such as, whether issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond, or otherwise mitigate the emergency*). If necessary, the sender will disseminate information about an on-campus emergency situation to the extended community by contacting local first responders (*i.e., The Burlington Police Department, The Burlington Fire Department, The University of Vermont Police Department and the local 911 Public Safety Answering Point (PSAP)*).

College affiliates are automatically enrolled to receive [RAVE Mobile alerts](#) via their college email address.

There is no cost to enroll. We encourage affiliates to use the Rave Mobile Safety link (*found on the CPS webpage*) to confirm their contact information and choose their notification preferences. (*Note that cellular phone providers may charge a per-text message fee for the delivery of emergency notifications to your phone*).

Your **username** is your Champlain e-mail

Your **password** is your Champlain user password.

Once logged in, you can manage your account (*i.e., you can add additional devices on which to receive text and/voice alerts*).

The RAVE Mobile Alert system is tested once each semester (*September and January*). Tests are publicized in advance, so as to mitigate any confusion on behalf of the recipients. The CPS Office records a description of the alert test, the date and time it was sent and what additional information should be expected if it had been a real time emergency.

The last test of the RAVE Mobil Alert system was September 10, 2024 “Fall Test”, during which 99% of the targeted recipients received either a text, phone call or email. Mass Emergency Alerts are further discussed and often simulated during the College’s Annual Emergency Table Top Exercise.

Timely Warnings: As deemed appropriate on a case-by-case basis, the Campus Public Safety Director, or their designee, will provide a timely warning to the community whenever a crime has been reported to CPS, a Campus Security Authority (CSA), or the Police, and the crime has occurred on campus, College controlled property or adjacent public property and is the crime is considered by the College to represent a threat to the campus community. In determining the content of timely warnings, the responsible college officials will consider the risk of compromising law enforcement efforts. The College will withhold the names of any victims as confidential and will provide only information intended to aid in the prevention of similar occurrences.

Campus Advisory: There may be times when the College learns of public safety information that is deemed to be shareworthy, yet the information does not meet the threshold for an *Emergency Notification* or *Timely Warning*. In cases like these, the Director of Campus Public Safety has discretion to send a Campus Advisory to the community. These advisories may be disseminated via email and or fliers, but not via the RAVE Mobile Alert system.

Missing Student Investigations/Notifications:

Since Champlain College maintains on-campus housing facilities, it has policies and procedures, as required by the Clery Act, for investigating reports of missing students. It is the practice of the Campus Public Safety Office to immediately investigate reports of missing students, regardless of the student's age, or the length of time they have been reported missing (In accordance with Suzanne's Law), when the person's last known whereabouts involves our campus. Any person who believes a student might be missing should immediately notify Campus Public Safety.

Champlain College requires all students living in residence halls to register a contact person to be notified in the event of an emergency. Students who live in residence halls also have the right, regardless of age, to register one or more individuals to be a contact strictly for missing person purposes. This person need not be your emergency contact. This person's contact information will be kept confidentially and this information will be accessible only to authorized campus officials and may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

Anyone who believes that a student may be missing should report that immediately to the Campus Public Safety Office at **(802) 865-6465**. Campus affiliates receiving an initial report of a missing student are to report the information to Campus Public Safety Office at **(802) 865-6465**, CPS will then coordinate with the local police. It is Campus Public Safety policy to notify a missing student's parents or guardians of a missing student if the student is under 18 years of age and not emancipated. The College will notify the Burlington Police Department or other law enforcement agency with jurisdiction when appropriate.

Emergency and Crime Reporting Procedures on Campus: The Campus Public Safety Office is the central emergency reporting center for the College. In case of an emergency, community members should use the following numbers to summon assistance:

Champlain College Public Safety: **802-865-6465** (from any campus phone 6465)

Burlington Police Department; Emergencies Dial **911**
Non-Emergencies Dial 802-658-2700

Burlington Fire Department; Emergencies Dial **911**
Non-Emergencies Dial 802-864-5311

Champlain College Blue Light Telephone (push to call button)

Weapons on campus:

Possessing or using weapons, ammunition, explosives, flammable substances, or other dangerous devices are prohibited. Weapons are defined as any object or substance designed or used to inflict a wound, cause injury, or incapacitate, including but not limited to all firearms, airsoft guns, pellet guns, air pistols, air rifles; any dirk, bowie knife, switchblade knife, ballistic knife or any other knife having a blade of three or more inches; black jacks, metal knuckles, fireworks, explosives and biological agents. Realistic replicas and facsimiles of weapons are also considered weapons and are therefore prohibited. The use of implements or substances not commonly used as a weapon or not expressly prohibited by this section may be a violation of this policy if used or brandished as a weapon. The use of mace or pepper spray will not be a violation of this policy if used solely for self-defense. Due to their realistic likeness to weapons and potential for causing community alarm, possession or use of toy or replica weapons in a College-sanctioned activity or academic program must be approved in advance by Campus Public Safety. Exceptions can be granted only by the Campus Public Safety Office or the Student Affairs Office.

Bias Incident and Hate Crime Reporting:

Bias Incident: Any conduct, speech, images, or expression that demonstrate conscious or unconscious bias which targets individuals or groups based on, but not limited to, their actual or perceived: age, disability, ethnicity, gender identity or expression, immigration status, marital status, national origin, race, religion, sex, sexual orientation, size, socioeconomic status/class, veteran status or on the basis of any other status protected by law or recognized within a Champlain College policy.

Examples:

- Calling a person or a behavior “gay,” “lame,” or “retarded” as an insult
- Imitating someone with any kind of disability or imitating someone’s cultural attire, norms, or practices
- Telling jokes based on a cultural stereotype
- Derogatory graffiti or images/drawings
- Using a racial or ethnic slur to identify someone
- Making comments on social media about someone’s age, disability, ethnicity, gender identity or expression, immigration status, marital status, national origin, race, religion, sex, sexual orientation, size, socioeconomic status/class, veteran status.

A bias incident is an offensive act that is neither criminal, nor a violation of the Sexual Misconduct Policy, the Discrimination and Harassment Policy, the Student Code of Conduct or comparable College Policies. If a bias-related incident falls within the scope and definitions of the aforementioned policies, it will be addressed through those processes. However, bias will be deemed an aggravating circumstance to any violation of College policy.

Hate Crime: As defined by Vermont law at 13 V.S.A § 1455, a hate crime is a crime that is maliciously motivated by the victim’s actual or perceived race, color, religion, national origin, gender identity, ancestry, age, service in the armed forces of the United States, disability, sexual orientation or gender identity is a hate crime. The perpetrator can be given additional penalties

at sentencing. Hate crimes should be reported to local law enforcement agencies. Prosecutors can seek increased penalties for hate crimes, including longer jail sentences and higher fines.

Confidential Support Services

- Champlain College Employee Assistance Program - Invest EAP
 - www.investeaporg.com or 866-660-9533
- Champlain Counseling Center
 - counselingcenter@champlain.edu or 802-865-5731
- Champlain Student Health Center
 - healthservices@champlain.edu or 802-860-2711

Freedom of Expression Statement

Champlain College's spirit of inquiry in the pursuit of knowledge supports the institution's culture of exploration with respect for diversity and a passion for an inclusive learning environment. The college holds that its community, including, but not limited to, students, faculty, staff and invited visitors retain the right to freely express their ideas, so long as those forms of expression do not infringe on another's freedom to do so. We believe that the commitment to engage in discomfort and controversy can promote opportunities for growth. It is not the institution's purpose or duty to protect its constituents from conflict, but rather, to create conditions for debates and discussions to flourish.

REPORTING

Champlain College encourages reporting of potential bias-related incidents that may impact our community in order to help fulfill Champlain's mission as a higher education institution free from hate and discrimination. Toward this end, individuals wishing to report a bias-related incident may do so using the process outlined below

Reporting a Bias Incident:

- Students: Submit a [Bias Incident Reporting Form](#) or contact Danelle Berube, Vice President of Student Affairs (Bias Response Coordinator) or Cory Davis, Senior Director of Community Standards at BiasResponse@champlain.edu. A Bias Incident Reporting Form may also be submitted anonymously.
- Employees: Contact the Chief Operating Officer or designee at peoplecenter@champlain.edu or (802) 865-5715 with any questions or to file a bias incident report.

Reporting a Hate Crime: If you believe that you have been the victim of a hate crime and anyone is injured or in danger, call 911, then notify Campus Public Safety at (802) 865-6465. If no one is injured or in danger, contact Campus Public Safety at (802) 865-6465.

To obtain the assistance of the Attorney General's office as a hate crime victim, you may contact them at:

Office of the Attorney General
Civil Rights Unit
109 State Street
Montpelier, VT 05602
(802) 828-3657

(888) 745-9195 (toll-free in Vermont)
(802) 828-3665 (TTY)
(802) 828-3187 (fax)
AGO.CivilRights@vermont.gov (e-mail)

BIAS INCIDENT RESPONSE PROCESS

The Bias Education & Response Team (BERT) is the group responsible for reviewing, coordinating, and responding to bias incidents for the College. The Bias Education & Response Team partners with the Division of Student Affairs, Diversity and Inclusion, Academic Affairs, the People Center, and Champlain College Online on reports that involve faculty, staff, and online students.

Role of the BERT Coordinator or designee

The College has designated Cory Davis as Champlain's BERT Coordinator. This individual is the primary point of contact for the BERT, for coordinating its efforts, and for responding to reports made through the Bias Education & Response process. The BERT Coordinator can be contacted via email at biasresponse@champlain.edu.

When a BERT report is received

The BERT will respond to reported incidents in the following ways:

1. When a report is submitted, the BERT Coordinator or designee reviews whether the report is suited to the Bias Education & Response process. If not, the report is routed to the Champlain staff or office best equipped to address the reported concern. These staff and offices include: Campus Public Safety, the Title IX Coordinator, the ADA/504 Coordinator, the Office of Community Standards, the Care Team or to another College entity. The report is also evaluated for time-sensitivity and breadth of impact.
 1. If a report is submitted anonymously, it may inhibit the ways in which the BERT can learn further information about the concern and limit the ways in which possible follow-up may be conducted.
2. If referred to the Bias Education & Response process, a member of BERT responds to the individual(s) submitting the report to acknowledge receipt, to offer appropriate support, and to invite the reporting party(ies) to provide additional information.
3. The BERT may consider a variety of responses to reported bias incidents based on the severity and context of the incident. In addition to the possibility of investigation and disciplinary sanction as determined by college partners, when appropriate, examples of responses may include, but are not limited to, efforts to:
 1. Establish direct contact with the person or group involved in the incident to discuss the impact of the bias incident.
 2. Develop and provide educational resources or opportunities to individuals, departments, units, and other groups to address the impact of a bias incident.
 3. Communicate with a specific individual, building, group, unit, department, or the entire College community about what happened, why it is important to address the incident, and what responses are underway or possible.
 4. Mandate a No Contact Order (NCO) or No Trespass Order.

5. Offer mediation through appropriate College offices.

As necessary, the BERT Coordinator or designee consults with other College officials and relevant offices to coordinate responses (i.e., Campus Public Safety, Housing & Residential Life, Office of Accessibility, Office of Diversity and Inclusion, People Center, etc.)

4. When a reported incident has had a campus-wide impact or involves campus risk, the BERT Coordinator or designee may send a message to the affected campus(es) and/or residential communities.

The BERT Coordinator or designee, in collaboration with members of BERT, tracks and reports on data, assesses trends, and identifies areas for training, prevention efforts, and policy development.

Personal Responsibility:

The involvement of students, faculty and staff in the campus safety program is vital to its success. Students, faculty and staff are expected to assume responsibility for their own personal safety and the security of their personal belongings by taking simple, basic precautions. Room doors and windows should be closed and locked at night and whenever the room is unoccupied. Valuable items such as computers, phones, and cameras should be marked and serial numbers should be recorded in a safe location or a photograph of the numbers should be taken. It is important to promptly report any suspicious persons, activities or unusual incidents in residence halls or other campus buildings to the Campus Public Safety Office.

SEXUAL MISCONDUCT, INTIMATE PARTNER VIOLENCE AND STALKING:

Champlain College does not discriminate on the basis of sex in its educational programs; sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, and stalking. As a result, Champlain College issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a Responsible Employee. In this context, Champlain College prohibits the offenses of domestic violence, dating violence, sexual assault and stalking as defined by the Clery Act as well as College policy and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the College community.

Sex Discrimination and Sexual Misconduct Policy:

I. Introduction and Notice of Non-Discrimination

Champlain College (“Champlain” or the “College”) seeks to maintain a safe learning, living, and working environment for students, faculty, administrators, staff, volunteers, and visitors that is

free of all forms of unlawful discrimination and harassment, including sex discrimination, sexual harassment, and sexual misconduct.

The College has enacted this Sex Discrimination and Sexual Misconduct 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 in response to violations of this Policy.

Champlain does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admission and employment. This includes discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

This Policy also prohibits sexual harassment prohibited under Title IX, Title VII of the Civil Rights Act of 1964, and other applicable statutes against Champlain community members of any sex, sexual orientation, or gender identity in the context of education or employment.

The Policy also prohibits retaliation against a person because they have reported, filed a complaint, or participated in good faith in an investigation of conduct covered by this Policy.

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 Champlain community members will take reasonable and prudent actions to prevent or stop Prohibited Conduct as defined below. The College strongly supports bystander intervention and supports individuals who choose to take such action and will protect such individuals from retaliation.

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).

Champlain 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. Such prohibited conduct is addressed in other College policies prohibiting discrimination, harassment, and retaliation based on protected status (other than sex, gender, or sexual orientation).

Inquiries about the application of Title IX or this policy may be referred to the Title IX Coordinator (see Section V below), the Department of Education’s Office for Civil Rights, or both.

Scope of Policy

A. Effective Date and Coverage

This Policy will be used by the College to address incidents alleged to have taken place on or after August 1, 2024.

Any incident alleged to have taken place at any point on August 14, 2020 or between August 14, 2020 and August 1, 2024, will be addressed through the policies and procedures outlined in the Sexual Misconduct Policy published in the [2023-2024 Champlain College Catalog](#), and not through the policies and procedures outlined in this Policy.

Any incident alleged to have taken place prior to August 14, 2020 will be addressed through the policies and procedures outlined in the Sexual Misconduct Policy published in the [2019-2020 Champlain College Catalog](#), and not through the policies and procedures outlined in this Policy.

This delineation of applicable policies and procedures will apply regardless of when the alleged incident is reported.

B. Persons Covered

This Policy applies to all Champlain community members, including students, individuals seeking admission to the College, 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. Champlain College students and employees may be Respondents who are entitled to the policies and procedures outlined in this Policy. Any other individuals who are reported to have engaged in Prohibited Conduct will be provided with any policies and procedures outlined in other College policies and/or agreements as applicable, and/or the College's handling of such reports as to such individuals will be determined at the College's discretion.

Students will be held accountable for Prohibited Conduct that takes place between the time an offer of admission is extended and their graduation, completion of their program, or Champlain's confirmation of their resignation or dismissal. Students who have taken a leave of absence or have withdrawn may be held accountable for allegations of Prohibited Conduct that occurred prior to or during their absence or withdrawal; the student's conduct file will reflect that the charge(s) is/are pending and the student's ability to re-enroll may be impacted. Students who graduate may also be held accountable for allegations of Prohibited Conduct prior to commencement, and a hold may be placed on their ability to receive their diploma and official transcripts, pending a hearing and/or completion of sanctions. In the event of serious Prohibited Conduct committed while still enrolled, but reported after the accused student has graduated, Champlain College may pursue action under this Policy, and should the accused student be found responsible, may revoke the student's degree.

The College strongly encourages reports of Prohibited Conduct regardless of who engaged in the alleged conduct. Even if the College does not have jurisdiction or authority over the Respondent(s), 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 involved party(ies) and the broader campus community.

C. Locations Covered

This Policy applies to all domestic and international on-campus conduct, conduct that occurs in the context of a college program or activity, 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 involved party(ies) and the broader campus community. Students participating in third-party study abroad experiences will be subject to the guidelines established by the host institution and may, if deemed appropriate by Champlain College, also be subject to investigation, resolution, and sanction processes under this Policy and/or other Champlain College policies as well.

a. Domestic On-Campus Conduct. This Policy applies to conduct that occurs on-campus (in-person or virtual) within the United States, including conduct that occurs on property or in virtual spaces owned, rented, or managed by the College, including, but not limited to, Burlington's Main and Lakeside Campuses, Champlain College Online, temporary residential housing locations, and Champlain College's virtual learning spaces.

b. International On-Campus Conduct. This Policy applies to conduct that occurs on Champlain College's international campuses in Montreal, Canada and Dublin, Ireland, and on property that is owned, rented, or managed by the College.

c. College Programs. This Policy applies to conduct that occurs in the context of College employment or College-managed educational programs or activities, including, but not limited to, Champlain study abroad, virtual gap year, or internship programs. It also applies to admissions.

d. Off-Campus Conduct. This Policy applies to conduct that occurs off campus and has continuing adverse effects on, or creates a hostile environment for, any member of the Champlain community on-campus or in any College employment or education program or activity.

D. Scope of Jurisdiction

The Policy encompasses Prohibited Conduct and locations that go beyond the scope of Title IX regulations issued by the U.S. Department of Education in April 2024 ("2024 Title IX regulations"). If the alleged Prohibited Conduct falls within the Scope of the 2024 Title IX regulations, the investigation and resolution process (if any) will be overseen by the Title IX Coordinator. If the alleged Prohibited Conduct is entirely outside the scope of the 2024 Title IX regulations, the investigation and resolution process (if any) will be overseen by the Office of Community Standards, the People Center, or both, depending on whether the parties involved are students, employees, or both.

Title IX encompasses Sex Discrimination and Title IX Retaliation, as defined below (Section III.A.1 and III.A.2), when the incident occurs in a College education program or activity, or impacts a College education program or activity.

III. Prohibited Conduct and Other Definitions

A. Prohibited Conduct

1. Sex Discrimination

Sex Discrimination is discrimination based on any of the following: sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, gender identity, and other discrimination on the basis of sex in any College education program or activity. For specific information related to pregnancy or related conditions, please see the College's Pregnancy and Parental Status Non-Discrimination Policy.

Conduct takes place within the College's "education program or activity" when that conduct (1) occurs in a context over which the College has substantial control; (2) occurs within College operations; (3) occurs in any building owned or controlled by a student organization recognized by the College; or (4) is subject to the College's disciplinary authority. 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. The College will, however, evaluate the totality of the circumstances, meaning the entire context, when determining whether there is a sex-based hostile environment in its education program or activity. The College may consider allegations about conduct that occurred outside of the education program or activity if it contributes to the alleged sex-based hostile environment.

a. Sex-Based Harassment

A form of Sex Discrimination. Sex-Based Harassment means sexual harassment and other harassment on the basis of sex that is (1) Quid Pro Quo Harassment, (2) Hostile Environment Harassment, (3) Sexual Assault, (4) Dating Violence, (5) Domestic Violence, or (6) Stalking.

i. Quid Pro Quo Harassment

A form of Sex-Based Harassment. Quid Pro Quo Harassment means an employee, agent, or other person authorized to provide an aid, benefit, or service under Champlain's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.

ii. Hostile Environment Harassment

A form of Sex-Based Harassment. Hostile Environment Harassment means unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively

offensive and is so severe or pervasive that it limits a person's ability to participate in or benefit from the College's education program or activity (*i.e.*, creates a hostile environment).

Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- The degree to which the conduct affected the complainant's ability to access the education program or activity;
- The type, frequency, and duration of the conduct;
- The parties' ages, roles within the education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- The location of the conduct and the context in which it occurred; and
- Other sex-based harassment in the education program or activity.

iii. Sexual Assault

A form of Sex-Based Harassment. The College's definition of Sexual Assault incorporates the definitions of the FBI's uniform crime reporting system, and includes Rape, Fondling, Incest, and Statutory Rape as defined below. 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.

a. Rape

A form of Sexual Assault. Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This includes instances where the other person is incapable of giving consent because of their age, due to temporary or permanent mental or physical incapacity, or conditions resulting from alcohol or drug consumption.

b. Fondling

A form of Sexual Assault. The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity, or conditions resulting from alcohol or drug consumption. For purposes of this definition “private body parts” includes breasts, buttocks, or genitals, whether over or under clothing.

c. Incest

A form of Sexual Assault. Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

d. Statutory Rape

A form of Sexual Assault. Sexual intercourse with a person who is under the statutory age of consent.

iv. Dating Violence

A form of Sex-Based Harassment. Dating Violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant(s). The existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

v. Domestic Violence

A form of Sex-Based Harassment. Domestic Violence is 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.

vi. Stalking

A form of Sex-Based Harassment. Stalking means 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), whether they occur in person or through technology; including watching, following, using tracking devices, monitoring online activity, unwanted contact, property invasion or damage, hacking accounts, threats, violence, sabotage, and attacks.

2. Title IX Retaliation

Intimidation, threats, coercion, or discrimination against any person by the College, a student, an employee, or other person authorized to provide aid, benefit, or service under the College's education program or activity, for the purpose of interfering

with any right or privilege secured by Title IX, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or proceeding, including Informal Resolution or Formal Resolution.

3. Non-Consensual Sexual Contact

Non-Consensual Sexual Contact includes 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 Sex Discrimination above.

4. Domestic or Dating Misconduct

Domestic or Dating Misconduct is defined as threatening or coercive behavior that does not involve violence, but that occurs in the context of a domestic or dating relationship, that does not fall within the definition of Sex Discrimination above. The criteria for determining the existence of a domestic or dating relationship are provided in the definitions of Domestic Violence and Dating Violence. Examples of Domestic or Dating Misconduct include but are not limited to the following, when occurring in the context of a domestic or dating relationship:

- conduct that may reasonably be expected to exploit or coerce;
- kidnapping and/or restraint;
- prevention of another's ability to communicate or move freely;
- violation of another's privacy;
- unauthorized entry and/or uninvited or unwanted presence in another's room or office.

5. Sexual Exploitation

Sexual Exploitation that falls outside the definition of Sex Discrimination 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:

- intentional non-consensual contact with the private body parts of a person that does not meet the definition of behaviors prohibited under the definitions above;

- prostituting another person;
- 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;
- 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 or object(s) or would object to such disclosure; and, 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.
- 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.

***Exception: Champlain College's prohibition of Sexual Exploitation is not intended to prohibit the use of sexually explicit materials that are reasonably related to Champlain 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.**

6. Other Sexual or Gender-Based Harassment

Any unwelcome sexual advance, request for sexual favors, or other unwelcome conduct of a sexual nature, whether verbal, physical, graphic, or otherwise, or any harassment based on sex, sexual orientation, or gender identity, which may include acts of aggression, intimidation, or hostility, whether verbal, physical, graphic, or otherwise, that does not fall within the definition of Sex Discrimination above. The conduct need not involve conduct of a sexual nature to qualify as Other Sexual or Gender-Based Harassment.

Generally speaking, harassment can be divided into two types of conduct:

Quid Pro Quo Harassment. Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, academic

standing, or participation in any aspect of a College program or activity, or is used as the basis for the College's decisions affecting the individual, that does not fit within the definition of Sex-Based Harassment.

Hostile Environment. The conduct has the purpose or effect of interfering with an individual's work or creating an intimidating, hostile, or offensive work environment.

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: (1) the frequency of the conduct; (2) the nature and severity of the

conduct; (3) whether the conduct was physically threatening; (4) 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 experience and/or College programs or activities; (5) whether the conduct was directed at more than one person; and (6) whether the conduct arose in the context of other discriminatory conduct.

The harassment need not be severe or pervasive in order to meet this specific definition. However, behavior that a reasonable individual with the same protected characteristic would consider to be a petty slight or trivial inconvenience will not constitute Prohibited Conduct pursuant to this section.

Examples of conduct that may constitute harassment for purposes of this specific definition may—but need not—include a severe, persistent, or pervasive pattern unwelcome conduct of a sexual nature that includes but is not limited to one or more of the following:

- Physical conduct, including unwelcome touching, 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;
- Quid pro quo conduct that does not fall within the definition of Sex Discrimination, including direct propositions of a sexual nature between those for whom a power imbalance or supervisory or other authority relationship exists; offering educational or employment benefits in exchange for sexual favors; making submission to sexual advances an actual or implied condition of employment, work status, promotion, grades, or letters of recommendation, including subtle pressure for sexual activity, an element of which may be repeated requests for private meetings with no academic or work purpose; or making or threatening reprisals after a negative response to sexual advances.

7. Other Sexual or Gender-Based Discrimination

Other Sexual or Gender-Based discrimination refers to disparate treatment of a person or group because of that person's or group's sex, sexual orientation, or gender identity, that does not fall within the definition of Sex Discrimination above. The discrimination need not be severe or pervasive in order to meet this specific definition. However, behavior that a reasonable individual with the same protected characteristic would consider to be a petty slight or trivial inconvenience will not constitute Prohibited Conduct pursuant to this section.

8. Other Retaliation

Other Retaliation is intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by 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.

B. Other Definitions

1. Advisor

An individual selected by a party to provide support and advice throughout the reporting, investigation, and any resulting disciplinary or resolution process under this Policy, who may be, but is not required to be, an attorney.

2. Coercion

Coercion is the improper use of pressure to compel another individual to initiate or continue sexual activity against that individual's will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity.

When someone indicates, verbally or physically, that they do not want to engage in a particular sexual activity, that they want to stop a particular activity, or that they do not want to go past a certain point of sexual interaction, continued activity or pressure to continue beyond that point can be coercive. Examples of coercion include threatening to "out" someone based on sexual orientation or gender identity, and threatening to harm oneself, if the other party does not engage in the sexual activity.

Consent obtained through coercion is not valid. The College will evaluate the following in determining whether coercion was used: (a) the frequency of the application of pressure, (b) the intensity of the pressure, (c) the degree of isolation of the person being pressured, and (d) the duration of the pressure. All four do not need to be present to determine if coercion was used.

3. Consent

This definition applies to every instance the word "consent" appears in this policy. Consent means **the affirmative, unambiguous, and voluntary agreement to engage in a sexual act, which can be revoked at any time**. Consent can be given by words and/or actions, as long as those words and/or actions create clear permission regarding willingness to engage in the sexual activity. 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; 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 incapacitated 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 being incapacitated by alcohol, drugs, or other intoxicants and that condition is known or reasonably should be known by the person.

- “Incapable of consenting” as used in this policy means the other person:
 - is incapable of understanding the nature of the conduct at issue;
 - is physically incapable of resisting, declining participation in, or communicating unwillingness to engage in the conduct at issue; or
 - lacks the mental ability to make or communicate a decision about whether to engage in the conduct at issue.
- A person is incapable of consenting due to being incapacitated from 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 alcohol and/or drug consumption of the Respondent(s), 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.**

4. Complainant

A student or employee who is alleged to have been subjected to Prohibited Conduct (as defined above); or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute Sex Discrimination or Title IX Retaliation and who was participating

or attempting to participate in Champlain's education program or activity at the time of the alleged sex discrimination or retaliation; or a current student or employee who is reported to have experienced Prohibited Conduct other than Sex Discrimination or Title IX Retaliation. When more than one Complainant or more than one Respondent is involved, references below and above to a party, Complainant, or Respondent include the plural, as applicable.

5. Complaint

An oral or written request that objectively can be understood as a request to investigate and make a determination about alleged Sex Discrimination, Title IX Retaliation, or other Prohibited Conduct.

6. 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.

7. Force

Force is the use or threat of physical violence to overcome an individual's freedom of will to choose whether or not to participate in sexual activity or provide consent.

8. Intimidation

Intimidation is the use of implied threats to overcome an individual's freedom of will to choose whether or not to participate in sexual activity or provide consent. Consent obtained by intimidation is not valid.

9. Pregnancy or Related Conditions

Pregnancy or related conditions include pregnancy, child birth, termination of pregnancy, or lactation; Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

10. Preponderance of the Evidence

The evidentiary standard used in investigation and/or disciplinary processes to determine whether a Respondent is responsible for a violation of this Policy. A preponderance of the

evidence is found when the evidence considered demonstrates that the alleged actions are more likely to have occurred than not.

11. Private Body Parts

Private body parts for purposes of this Policy include breasts, genitals, buttocks, or groin, whether over or under clothing.

12. Relevant

Related to allegations of Prohibited Conduct under investigation as part of a Formal Resolution.

13. Respondent

A person who is alleged to have violated the College's prohibition on Sex Discrimination or Title IX Retaliation, or otherwise is alleged to have engaged in Prohibited Conduct. When more than one Complainant or more than one Respondent is involved, references below and above to a party, Complainant, or Respondent include the plural, as applicable. A Respondent is presumed to be not responsible for the alleged conduct until such time that a determination regarding responsibility has been made.

IV. Confidentiality and Privacy

A. General Considerations

The College is committed to protecting the privacy of all individuals involved in the investigation and resolution of reports under this Policy. The College is also 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 the 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 provide supportive measures or 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.

Confidential Employee means an employee whose communications are privileged under law or who has been designated as confidential by the College for purposes of providing services to persons related to Sex Discrimination or other Prohibited Conduct. The confidential status is limited to information received in connection with providing those services. Additionally, an employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about Sex Discrimination is a Confidential Employee but only with respect to information received while conducting the study. Champlain College has designated clinical staff in the Counseling Center and Student Health Center as confidential.

Confidential Resource means an individual who provides privileged and confidential support, such as physicians and clergy, regardless of whether they are employed by the College.

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. The confidential resources available to individuals on campus, including Confidential Employees, are listed in Section IX.A below. Note, however, that these confidential resources may be required by state law to notify appropriate Vermont State authorities of any report which involves suspected abuse of a minor under the age of 18.

All College employees who are not Confidential Employees are required to notify the Title IX Coordinator when the employee has information about conduct that may reasonably constitute Sex Discrimination under Title IX. This requirement does not apply to employees who personally have been subject to conduct that reasonably may constitute Sex Discrimination. Individuals who have both the status of student and employee are subject to this requirement when they receive information about conduct that may reasonably constitute Sex Discrimination in their capacity as an employee. When individuals have both the status of student and employee, the Title IX Coordinator or designee will consider in what capacity they were acting when the individual received a disclosure or information about conduct that may reasonably constitute Sex Discrimination in order to determine the individual's responsibility to notify the Title IX Coordinator. All individuals, however, are encouraged to err on the side of reporting to the Title IX Coordinator.

Confidential Employees are not required to directly notify the Title IX Coordinator when they are informed about conduct that may reasonably constitute Sex Discrimination. Rather, Confidential Employees must provide the individual with specific information including (1) an explanation of their status as confidential, including circumstances in which the Confidential Employee is not

required to notify the Title IX Coordinator about conduct that reasonably may constitute Sex Discrimination; (2) how to contact the Title IX Coordinator and make a complaint of Sex Discrimination; and (3) that the Title IX Coordinator may be able to offer and coordinate supportive measures, as well as initiate an Informal Resolution process or a Formal Resolution.

Where a Complainant requests that the Complainant's name or other identifiable information not be shared with the Respondent or that no investigation or determination be conducted, the Title IX Coordinator, in conjunction with members of the Title IX Case Management Team if deemed appropriate, will balance the Complainant's request with its obligation to provide a safe and non-discriminatory environment for all College community members. The factors the Title IX Coordinator or designee will use to determine whether to initiate a Complaint of Sex Discrimination are listed in Section V.B. The College may also consider whether there are circumstances suggesting that 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.

The College will take all reasonable steps to address the Complaint consistent with the Complainant's request, 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 or a member of the Title IX team 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 and prevent its recurrence that do not involve formal disciplinary action against a Respondent or revealing the identity of the Complainant. These issues are discussed further below.

Absent a request that the Complainant's name or other identifiable information not be shared with the Respondent or that investigation and determination be conducted 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.

B. Required Disclosures of Certain Information

The College is required to disclose certain information, per the Clery Act.

1. Timely Warnings

A “Timely Warning” is a campus-wide notification of a serious or continuing threat to the Champlain community. A Timely Warning does not include identifying information about a Complainant. If a report of misconduct discloses a serious or continuing threat to the Champlain community, the College may issue a campus-wide Timely Warning (which can take the form of an email to campus) to protect the health or safety of the community.

2. Annual Reporting Responsibilities

All higher education institutions that receive federal funding, including the College, are obligated to issue publicly an Annual Security Report (“ASR”) which identifies the number of particular reported crimes on campus or campus property, or adjacent to campus. The ASR does not include identifying information about the Complainant or Respondent.

3. Crime Log

All higher education institutions that have campus police forces or security departments must maintain a daily crime log that includes entries for all crimes that occur within both the Clery geography and the campus public safety staff’s regular patrol route. The crime log does not include identifying information about the Complainant or Respondent.

V. Title IX Coordinator and Deputy Coordinator

A. Designation of Title IX Coordinator

The College has designated and authorized Dr. Cory M. Davis to serve as the College’s Title IX Coordinator, and to coordinate the College’s efforts to comply with Title IX. The Title IX Coordinator may delegate their duties as appropriate, so references to the Title IX Coordinator throughout this policy should be read as also including a reference to a “designee” of the Title IX Coordinator even where not specifically indicated.

B. Role of the Title IX Coordinator

The Title IX Coordinator retains ultimate oversight over 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 Resolution Procedures.

The Title IX Coordinator is specifically responsible for:

- Monitoring for barriers to reporting information about conduct that reasonably may constitute Sex Discrimination and take steps reasonably calculated to address such barriers;
- When notified, of conduct that may reasonably constitute Sex Discrimination, taking the following actions to promptly and effectively end any Sex Discrimination, prevent its reoccurrence, and remedy its effects:
 - Treating the involved parties equitably;
 - Offering and coordinating supportive measures, as appropriate, for the Complainant;
 - Where a Formal Resolution has been initiated or Informal Resolution process has been offered, offering and coordinating supportive measures, as appropriate, for the Respondent;
 - Notifying the Complainant, or if the Complainant is unknown, the individual who reported the conduct, of the Formal Resolution and Informal Resolution processes (if available and appropriate);
 - If a Complaint is made, notifying the Respondent of the Formal Resolution and Informal Resolution processes (if available and appropriate);
 - In response to a Complaint, initiating the Formal Resolution process or Informal Resolution process (if available and appropriate and requested by all parties);
 - In the absence of a Complaint or the withdrawal of any or all of the allegations in a Complaint, and in the absence or termination of an Informal Resolution process, determining whether to initiate a Complaint of Sex Discrimination that complies with the Formal Resolution procedures;
 - If initiating a Complaint, notifying the Complainant prior to doing so and appropriately addressing reasonable concerns about the Complainant's safety or the safety of others, including by providing supportive measures;
 - Regardless of whether a Complaint is initiated, taking other prompt and effective steps, in addition to steps necessary to effectuate the remedies provided to an individual Complainant, if any, to ensure that Sex Discrimination does not continue or recur within the College's education program or activity.
- Maintaining required records. See Section XIV.
- Take specified actions following notice of a student's pregnancy or related condition. See Pregnancy and Parental Status Non-Discrimination Policy for details.
- Take other appropriate, prompt, and effective action to ensure that Sex Discrimination does not occur or recur.

When determining whether to initiate a complaint of Sex Discrimination, the Title IX Coordinator must make a fact-specific determination that includes, at a minimum, the following factors:

1. The Complainant's request not to proceed with initiation of a Complaint;
2. The Complainant's reasonable safety concerns regarding initiation of a Complaint;
3. The risk that additional acts of Sex Discrimination would occur if a Complaint is not initiated;
4. The severity of the alleged Sex Discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
5. The age and relationship of the parties, including whether the Respondent is an employee;
6. The scope of the alleged Sex Discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
7. The availability of evidence to assist a decisionmaker in determining whether Sex Discrimination occurred; and
8. Whether the College could end the alleged Sex Discrimination and prevent its recurrence without initiating a Formal Resolution procedure.

If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or another person, or that the conduct as alleged prevents the College from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a Complaint.

The Title IX Coordinator is supported and assisted by the Deputy Coordinators. In addition, based on the relationship of the involved parties to the College, the Title IX Coordinator may also be supported by various other offices such as the Office of the Provost, Student Affairs, and the People Center. Collectively, the Title IX Coordinator and the individuals supporting the Title IX Coordinator are the "Title IX Case Management Team." The Title IX Case Management Team is made up of Deputy Coordinators who have a "need to know" of any alleged Prohibited Conduct to effectuate this Policy. The foregoing individuals receive ongoing appropriate training to discharge their responsibilities.

C. Contact Information

For general Title IX questions email titleix@champlain.edu.

The Title IX Coordinator and Deputy Coordinators can be contacted by email, phone, or in person during regular office hours. Materials can also be mailed to the Title IX Coordinator or any Deputy Coordinator at 375 Maple Street, Burlington, VT 05401.

Dr. Cory M. Davis
Senior Director of Community Standards
Title IX Coordinator
Skiff Hall, Room 117
cory.davis@champlain.edu
802-865-6428

Bruce D. Bovat
Director, Campus Public Safety
Deputy Title IX Coordinator
bbovat@champlain.edu
802-860-2755

Gail MacDonald
Manager, Application Transfer Credit Review, Champlain College Online
Deputy Title IX Coordinator
gmacdonald@champlain.edu
802-522-3891

Kaelyn Murray
Director of Academic Advising, Champlain College Online
Deputy Title IX Coordinator
kmurray@champlain.edu
802-865-5735

Kelsey O'Connor
Director, Housing and Residential Life
Deputy Title IX Coordinator
koconnor@champlain.edu
802-865-2749

Hannah Puryear
Systems and HR Specialist, People Center
Deputy Title IX Coordinator
hpuryear@champlain.edu
802-865-5482

Reports may be made 24 hours per day, 7 days per week, as described below.

VI. Reporting Prohibited Conduct

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 local law enforcement, although neither is required. These reporting options are not mutually exclusive. Both internal and criminal reports may be made simultaneously.

A. Emergency and External Reporting

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 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 Champlain 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.

Available external resources that you may contact independently or with the College's assistance include:

Burlington Police Department
1 North Avenue, Burlington
802-658-2704

Chittenden Unit for Special Investigations (CUSI)
50 Cherry Street, Burlington
802-652-6800

UVM Medical Center
111 Colchester Avenue
Burlington, VT
802-847-0000

HOPE Works
(Ending Sexual Violence)
Burlington, VT
24 HOUR HOTLINE 802-863-1236 or 1-800-489-7273

Champlain students enrolled in Montreal or Dublin programs or who participate in Champlain College Online or other virtual programs should consult the Title IX Office regarding external reporting and support options in their respective communities.

In addition, the following external governmental agencies investigate and prosecute complaints of prohibited discrimination and harassment:

Employees may contact:

Vermont Attorney General's Office, Civil Rights Unit,
109 State Street, Montpelier, VT 05609-1001
(802-828-3171/VOICE/TDD)

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

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
617-289-0111
OCR.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)

B. Champlain College Reporting

Campus Public Safety (802-865-6465) is available 24/7 as a first option to report any incident of crime or violence, as well as any incidents involving Prohibited Conduct.

Campus Public Safety has the ability to provide a courtesy escort service on campus to any student and can reach the counselor on call at any time.

The College has a strong interest in responding to and investigating, as appropriate, to Prohibited Conduct, and strongly encourages all individuals or third-party witnesses to report any incident to the College.

Making a report means telling Public Safety (initially, outside regular business hours), the Title IX Coordinator, or a Deputy Title IX Coordinator what happened. A report can be made in-person or by video meeting, by telephone, in writing, by email, or by submitting an electronic [Sexual Misconduct and Title IX Report Form](#). Contact information for the Title IX Coordinator and Deputy Coordinators can be found in Section V.C.

The Title IX Case Management Team handles complaints of Prohibited Conduct against any individual, and works with other offices on campus to provide reasonable supportive measures. See Section V.B.

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 supportive measures 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 legally 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 involved parties and, to the broader campus community and will take steps necessary to address those risks. These steps may include emergency removal, administrative leave, and interim measures, depending on the circumstances, to provide for the safety of the individual and the campus community.

C. Other Reporting Considerations

1. 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 Champlain community, the College will still seek to meet its Title IX 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 poses a threat or danger to members of the Champlain community may also be reported under this Policy.

2. 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 process are forthright in sharing information. To guard against discouraging reporting or participation, a student who reports Prohibited Conduct or participates in a Formal Resolution or Informal Resolution 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 under the influence by drugs or alcohol is no defense to any violation of this Policy and does not diminish one's responsibility to obtain consent. Further information about Medical Amnesty and the Good Samaritan Program can be found in the College Catalog.

3. 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 burden of proof differ from Vermont 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., Burlington Police Department, Chittenden Unit for Special Investigations). In the event of such a 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 their rights, procedural options, and the implementation of supportive measures to provide safety and well-being, under this Policy. The College will promptly initiate or resume its investigation as soon as it is informed that law enforcement has completed its initial investigation.

4. False Reports

The College takes the accuracy of information very seriously, as a report of Prohibited Conduct may have significant 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 the Student Code of Conduct to make an intentionally false report of any Policy violation, and it may also violate state criminal statutes and civil defamation laws.

5. 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 that take place on campus or an online platform sponsored by the College do not require a response by the Title IX Coordinator. The College is obligated to act in response if the information reveals an immediate and serious threat to the health or safety of students, employees, or other persons. The College will, however, use this information to inform its efforts to prevent Sex-Based Harassment, including by providing tailored training to address alleged Sex-Based Harassment in a particular part of its education program or activity or at a specific location when information indicates there may be multiple incidents of Sex-Based Harassment.

6. Reports Involving Minors or Suspected Child Abuse

Under Vermont law, certain covered individuals must make a mandatory report of suspected child abuse or 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 under the age of 18 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 the Director of Campus Public Safety. 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 and/or Director of Campus Public Safety, 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.

The College will review and respond to every report of alleged misconduct by faculty, staff, or volunteers affiliated with the institution where the Complainant is a minor, even if the Complainant is under the age of 18 and declines to submit a Complaint. The Title IX Coordinator may initiate a Complaint or take other appropriate and proportional action based on the nature, content, and context of the report.

VII. Emergency Removal, Administrative Leave, and Interim Suspension

A. Emergency Removal of Respondents in Sex Discrimination 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 Sex Discrimination in this Policy, the College can remove a student 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 or employment 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 written request to the Title IX Coordinator or designee to contest the emergency removal (though a meeting could be scheduled sooner if requested by the Respondent, if practicable).

B. Administrative Leave in Sex Discrimination Cases

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

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.

C. Emergency or Interim Suspension, Administrative Leaves, and Other Actions in Non-Title IX Prohibited Conduct Cases

In cases that involve allegations of Non-Title IX Prohibited Conduct (that is, Prohibited Conduct as defined by this Policy that does not fall within the definition of Sex Discrimination or Title IX Retaliation), 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.

VIII. Supportive Measures

The College will provide reasonable and appropriate supportive measures. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge. Such measures are designed to restore or preserve equal access to College's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter Prohibited Conduct. Supportive measures may be implemented regardless of whether a crime is reported to Campus Public Safety or local law enforcement.

The Title IX Coordinator is responsible for offering and coordinating supportive measures, as appropriate, to Complainants and, where a Formal Resolution process has been initiated or Informal Resolution process has been offered, offer and coordinate supportive measures, as appropriate, for the Respondent(s).

Examples of supportive measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to Sex-Based Harassment.

Supportive measures must not unreasonably burden either party, and must be designed to protect the safety of the parties, or Champlain's educational environment, or to provide support during resolution processes. The College will not impose supportive measures for punitive or disciplinary reasons.

The College may, as appropriate, modify or terminate supportive measures at the conclusion of a resolution process. Supportive measures may also be continued beyond the end of either kind of process.

Involved parties have the opportunity to seek modification or reversal of a decision to provide, deny, modify, or terminate supportive measures applicable to them. Such challenges may be made to the Title IX Coordinator. The Title IX Coordinator or their designee has the authority to modify or reverse the challenged decision if they determine that the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive

measures in this Section. In all cases, the person who makes this decision will be an impartial employee who is someone other than the employee who made the challenged decision. Involved parties have the opportunity to seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.

Information about supportive measures may not be disclosed to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the education program or activity. Disclosure may also be made when an appropriate exception applies, including (1) when the College has obtained prior written consent from a person with the legal right to consent to the disclosure; (2) when the information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue; (3) to carry out the purposes of Title IX, including to address conduct that may constitute Sex Discrimination; or (4) as required and permitted by law or the terms and conditions of a federal award.

If the Complainant or Respondent has a disability, the Title IX Coordinator may consult, as appropriate, with the Office of Accessibility in the implementation of supportive measures.

IX. 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 and counseling services 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 of confidential campus and community resources, listed below. These trained professionals 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.

The Title IX Office can assist all involved parties (whether student or employee) in understanding and accessing supportive services that are available to them. The Counseling

Center and Student Health Center are only resources available to undergraduate traditional students. Employees can seek support through the Title IX Office, the People Center, and resources outside of the Champlain community.

A. Confidential Resources

1. On Campus

All Counseling Center counselors and Health Services staff members at Champlain College are confidential resources.

Counseling Center
Skiff Hall, room 100
802-865-5731
counselingcenter@champlain.edu

Student Health Center
Whiting Hall, Ground Level
802-860-2711
healthservices@champlain.edu

2. Off-Campus

HOPE Works (Ending Sexual Violence)
Burlington, VT
24 HOUR HOTLINE
802-863-1236 or 1-800-489-7273

Steps To End Domestic Violence
294 N Winooski Ave
Burlington, VT
802-658-1996 - HOTLINE

UVM Medical Center
111 Colchester Avenue
Burlington, VT
802-847-0000
Vermont Legal Aid
264 N Winooski Ave

Pride Center
255 S Champlain St Suite 12,
Burlington, VT

802-860-7812

Howard Center
208 Flynn Ave
Burlington, VT
802-488-7777

Pearl Street Youth Health Center
179 Pearl Street
Burlington, VT
802-652-1080

National Domestic Violence Hotline 1-800-787-3224
1-800-799-7233
www.thehotline.org

Rape, Abuse and Incest National Network (RAINN)
1-800-656-HOPE (4673)
www.rainn.org

3. Medical Services

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 the 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.

On campus, Health Services can provide a full spectrum of medical care and support.

B. Non-Confidential Resources

Burlington Police
1 North Avenue,
Burlington, VT
802-658-2704, Ext 8

Chittenden District Courthouse
32 Cherry Street
Burlington, VT
802-651-1950

C. Additional Resources

In addition to the resources listed above, Champlain community members have access to a variety of resources provided by the College. Where not bound by confidentiality, those resources will maintain the privacy of an individual's information within the limited circle of those involved in the Title IX process.

Students, faculty, and staff may also access resources located in the local community in addition to those 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. A local resource, HOPE Works, offers advocacy support.

Employees can also access support through the People Center, including the Employee Assistance Program by contacting the People Center via email at peoplecenter@champlain.edu, via phone at 802-651-5800 or in person at their offices located at the Miller Center at Lakeside Campus, Third Flood, Room 331, on the Burlington, Vermont campus.

X. Resolution Procedures

A. Overview

This section outlines the procedures the College follows in resolving allegations that a person has been subjected to Prohibited Conduct in violation of this Policy.

The College will treat Complainants and Respondents equitably. The College will take reasonable steps to protect the privacy of the parties and witnesses but these steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to

witnesses, consulting with their family members, Confidential Resources, or advisors, or otherwise prepare for or participate in a resolution procedure.

B. Reporting

Both the Informal Resolution and Formal Resolution processes begin with an initial report. See Section VI on Reporting.

An individual who wishes to report an act of Prohibited Conduct is encouraged to report directly to the Title IX Coordinator or a Deputy Title IX Coordinator. A report can be made in-person or by video meeting, by telephone, in writing, by email, or by submitting an electronic [Sexual Misconduct and Title IX Report Form](#). Contact information for the Title IX Coordinator and Deputy Coordinators can be found in Section V.C.

The Title IX Case Management Team will coordinate the investigation of all reports of Prohibited Conduct defined in this Policy. The Title IX Coordinator, or a Deputy Title IX Coordinator (or designee) will conduct an initial intake assessment in all instances where the Complainant reports Prohibited Conduct, as described below.

C. Assessment and Intake Meeting

Upon receipt of a report of Prohibited Conduct under this Policy, the Title IX Coordinator, a Deputy Title IX Coordinator, or a designee will promptly conduct an Intake Meeting or communication with a Complainant. At that meeting, the following topics will be discussed, as appropriate:

- The availability of supportive measures as defined above in Section VIII;
- The Complainant's wishes with respect to supportive measures;
- The availability of supportive measures with or without a Complaint;
- The process for making a Complaint;
- If appropriate, the Informal Resolution process;
- Immediate physical safety and emotional well-being needs;

- Notifying 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;
- Notifying the Complainant of the right to be assisted by individuals at the College in contacting law enforcement;
- Notifying the Complainant of confidential and non-confidential reporting options on and off campus;
- Providing the Complainant with information about 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;
- Explaining the right to object to the assignment of a designated Deputy Title IX Coordinator or investigator(s) based on actual bias or conflict of interest to proceed through the investigation process;
- Explaining that the Complainant has a right to an advisor of their choice during the process and the role of the advisor;
- Assessing for pattern evidence or other similar conduct if possible;
- Explaining the Amnesty Policy (see Section VI.C.2);
- Explaining the College's policy prohibiting retaliation;
- Explaining that if the complaint involves a Clery crime, the Deputy Title IX Coordinator will notify Campus Public Safety of the report to assess the need to (1) enter the report into the College's daily crime log; and (2) 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; and

- Explaining that the Complainant may request accommodations related to the Investigation Process through the Office of Accessibility.

Following or at the meeting, the Title IX Coordinator, Deputy Title IX Coordinator or designee will provide the Complainant with a summary of the above-listed information in writing.

As described in this Policy, the Complainant has the right to request that the Title IX Coordinator, Deputy Title IX Coordinator, or designee not share the Complainant's name (or other identifiable information) with the Respondent, or that the Title IX Coordinator conduct no investigation or determination in response to the report. If the Complainant makes such a request, the Title IX Coordinator, in consultation with the Title IX Case Management Team, will balance the request with its obligation to provide a safe and nondiscriminatory environment for all College community members. See Section IV.

Absent a request as described above and in Section IV, 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 and whether the Complainant seeks to make a Complaint to appropriately assess how to proceed.

D. Informal Resolution

Informal Resolution is a voluntary resolution option that does not involve formal investigation and a determination regarding responsibility.

1. Informal Resolution of Matters that Involve Allegations of Sex Discrimination or Title IX Retaliation

The College has discretion to determine whether it is appropriate to offer an Informal Resolution process when it receives information about conduct that reasonably may constitute Sex Discrimination or Title IX Retaliation. The College may decline to offer Informal Resolution despite one or more of the parties' wishes, including but not limited to when the College determines that the alleged conduct would present a future risk of harm to others.

At any time prior to reaching a determination regarding responsibility, the College may offer and facilitate an informal resolution process (e.g., mediation or restorative justice) where requested by a party and agreed to by both or all 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;
3. That, prior to agreeing to a resolution, a party has the right to withdraw from the Informal Resolution process and to initiate or resume the Formal Resolution process;
4. That the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming the Formal Resolution process arising from the same allegations; and
5. What information will be maintained and whether and how the information could be disclosed for use in a Formal Resolution process if it is initiated or resumed.

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 or all 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, no 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 Resolution process, as they deem appropriate in their discretion.

Any individual who facilitates an Informal Resolution process may not be the same person who is an investigator or decisionmaker under a Formal Resolution process involving the same parties.

Potential terms that may be included in an informal resolution agreement include but are not limited to: restrictions on contact and restrictions on the Respondent's participation in one or more programs or activities or attendance at specific events, including restrictions that could have been imposed as remedies or disciplinary sanctions had the College determined at the conclusion of a Formal Resolution that Sex Discrimination occurred.

2. Informal Resolution of Prohibited Conduct other than Sex Discrimination

Informal resolution may also be used in Prohibited Conduct cases that do not involve allegations of Sex Discrimination and/or other alleged policy violations, as deemed appropriate by the Title IX Coordinator, the Office of Community Standards, and/or the People Center, as appropriate. The procedures for such informal resolutions will be determined at the discretion of the Title IX Coordinator, the Office of Community Standards, and/or the People Center, 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.

E. Formal Resolution

1. Timing and Extensions in General

The timeframes for the major stages of the Formal Resolution process are described below in connection with each stage. All individuals involved in the process, including the parties, investigator(s), decisionmaker(s), and appeal officer may request a reasonable extension of any timeframe or deadline by making the request to the Title IX Coordinator. The Title IX Coordinator has discretion to determine whether to grant the requested extension on a case-by-case basis for good cause. When a request for an extension is granted, the Title IX Coordinator will inform the parties in writing and include a reason for the delay.

The Title IX Coordinator also has discretion to allow reasonable extensions on a case-by-case basis for good cause even where not specifically requested by someone else. Where such an extension is being implemented, the Title IX Coordinator will inform the parties in writing and include a reason for the delay.

2. Complaint

The Formal Resolution process begins with a Complaint. A Complainant who would like the College to pursue the formal investigation and resolution process must make an oral or written request to the Title IX Coordinator or designee that objectively can be understood as a request to investigate and make a determination about alleged Sex Discrimination or other Prohibited Conduct.

The following people have a right to make a Complaint of Sex Discrimination, including complaints of Sex-Based Harassment, and/or Title IX Retaliation:

- A Complainant;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant; or
- Champlain's Title IX Coordinator.

With respect to complaints of Sex Discrimination other than Sex-Based Harassment, in addition to the people listed above, the following persons have a right to make a Complaint:

- Any student or employee of Champlain; or
- Any person other than a student or employee who was participating or attempting to participate in Champlain's education program or activity at the time of the alleged Sex Discrimination.

For Prohibited Conduct other than Sex Discrimination or Title IX Retaliation, current employees and students have the right to make a Complaint.

3. Determination of Applicable Procedures, Dismissal, Transfers, and Appeals of Such Determinations

When a Complainant requests an investigation and a determination by the College, the Title IX Coordinator or designee will determine whether the allegations, if substantiated, constitute Prohibited Conduct. This determination will occur within five (5) business days of receipt of the Complaint.

A Complaint may be dismissed for any of the following reasons:

1. The College is unable to identify the Respondent after taking reasonable steps to do so;
2. The Respondent is not participating in the College's education program or activity and is not employed by the College;
3. The Complainant voluntarily withdraws any or all of the allegations in the Complaint, the Title IX Coordinator declines to initiate a Complaint, and the College determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute Sex Discrimination, Title IX Retaliation, or other Prohibited Conduct even if proven; or
4. After making reasonable efforts to clarify the allegations with the Complainant, it is demonstrable that the conduct alleged in the Complaint, even if proven, would not constitute Prohibited Conduct.

If a Complaint is dismissed, the Title IX Coordinator will notify the Complainant of the basis for the dismissal within three (3) business days of the dismissal decision. If the dismissal occurs after the Respondent has been notified of the allegations, then the Title IX Coordinator must also

notify the Respondent of the dismissal and the basis for the dismissal promptly following notification to the Complainant, or simultaneously if notice is in writing. The notice to the Complainant, Respondent, or both will include notice that a dismissal may be appealed.

When dismissing a Complaint alleging Sex-Based Harassment involving a student Complainant or student Respondent, the parties must receive simultaneous written notice of the dismissal and the basis for dismissal, except if the dismissal occurs before the Respondent has been notified of the allegations. In that case, the written notice is only provided to the Complainant. Withdrawal of a Complaint or allegations by a Complainant alleging Sex-Based Harassment involving a student Complainant or student Respondent must be voluntary and in writing.

The Complainant has the right to appeal a dismissal. Appeals are described in the section titled "Appeals" below. See Section X.E.14.

In all cases where a Complaint is dismissed, the Complainant will be offered supportive measures as appropriate and, where the Respondent has been notified of the allegations, the Respondent will be offered supportive measures as appropriate. Additionally, the Title IX Coordinator will take other appropriate prompt and effective steps to ensure that Sex Discrimination does not continue or recur within the College's education program or activity.

The College reserves the right to transfer and respond to conduct that is not Prohibited Conduct under this Policy under another College policy or procedure in its proper discretion, such as under the Student Code of Conduct or People Center resolution processes. The College will make such decisions in the exercise of its best judgment to promote efficiency, and in accordance with applicable law, regulation, and Department of Education guidance.

4. 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

process during which the parties have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decision maker;

- Information regarding the College's presumption of good faith reporting and a summary of the College's False Report policy (see Section VI.C.4);
- 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 (2) business day 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 suggest witnesses and provide evidence to the investigator(s); and
- The right to request accommodations related to the process through the Office of Accessibility.

Written notice will be provided within three (3) business days from the date of determination that the investigation will proceed. To the extent there are concerns for the safety of any person as a result of providing this notice, the notice may be reasonably delayed in order to address the safety concerns appropriately. Reasonable concerns must be based on an individualized safety and risk analysis and not mere speculation or stereotypes. Determination as to whether a concern for safety is reasonable begins with the allegations and individuals involved and may take into account factors such as any history of violent or abusive conduct, any credible threats of self-harm or harm to others, whether a person needs to secure different housing or a schedule change, or evidence of substance abuse.

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.

5. Consolidation

Champlain may consolidate complaints of Prohibited Conduct against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against another party, when the allegations Prohibited arise out of the same facts or circumstances. When more than one Complainant or more than one Respondent is involved, references below and above to a party, Complainant, or Respondent include the plural, as applicable.

6. 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 Section VII;
- An overview of the procedural options and processes;
- The College's policy prohibiting retaliation; and
- The right to request accommodations related to the Investigation Process through the Title IX Office and other relevant offices.

7. 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.

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 have an equal opportunity to present witnesses, which 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 investigative interviews or other meetings, with sufficient time for the party to prepare to participate.

This phase of the process should be completed within four (4) months.

8. 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 and not otherwise impermissible 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 (and the party's advisor, if any) 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; evidence provided to a Confidential Resource, unless the party providing the evidence waives confidentiality; or evidence that relates to the Complainant's prior sexual interests or prior sexual conduct, unless such evidence is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged Prohibited Conduct. The fact of prior consensual sexual conduct between the Respondent and the Complainant does not by itself demonstrate or imply the Complainant's consent to the alleged Prohibited Conduct or preclude determination that Prohibited Conduct occurred.

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.

9. 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, including questions challenging credibility; (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 request 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 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.

10. Final Investigative Report

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 ten (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 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.

The Final Investigative Report will be provided simultaneously to the parties and their advisors, if any. The Final Investigative Report will fairly summarize relevant evidence and include as exhibits evidentiary materials as deemed appropriate by the investigator. At least ten (10) business days prior to any hearing that will be held in the case, if applicable, the Title IX Coordinator or designee will provide the Final Investigative Report and exhibits for review in a secure manner (e.g., by providing digital copies of the materials through a protected, “read-only” web portal) to each party and the party’s advisor, if any, for their review and written response. Any written response a party wishes to provide must be submitted to the Title IX Coordinator or designee within ten (10) business days of receiving the Final Investigative Report and exhibits. The Final Investigative Report and the parties’ written responses, if any, will be provided to the hearing officer in advance of any hearing, in cases where a hearing will be held.

11. Formal Resolution Post-Investigation Process Alternatives

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

1. If any allegations of Prohibited Conduct raised in the matter fall within the definition of Sex Discrimination or Title IX Retaliation, the resolution process will be overseen by the Title IX Coordinator or designee and such allegations will proceed to a live hearing and, if applicable, sanctioning and appeal process as described immediately below.

2. If all of the allegations of Prohibited Conduct fall outside the definitions of Sex Discrimination and Title IX Retaliation, and the Respondent is a student, the post-investigation resolution process will be overseen by the Office of Community Standards. The Director of Community Standards or their designee will review the Final Investigative Report and all related evidence and issue a written determination. If appropriate, the Dean of Students or designee will issue written sanctions. In such cases, these post-investigation procedures will apply exclusively, and the Sex Discrimination and Title IX Retaliation post-investigation hearing, sanction and appeal process described below will not apply.

3. If all of the allegations of Prohibited Conduct fall outside the definitions of Sex Discrimination and Title IX Retaliation, and the Respondent is an employee, the post-investigation resolution process will be overseen by the Title IX Coordinator, in consultation with the People Center Leader or designee. The Title IX Coordinator, People Center Leader, or their designee, will review the Final Investigative Report and all related evidence, and issue a written determination. In such cases, these post-investigation procedures will apply exclusively, and the Sex Discrimination and Title IX Retaliation post-investigation hearing, sanction and appeal process described below will not apply.

If the Respondent is a Student and employee and all of the allegations of Prohibited Conduct fall outside the definitions of Sex Discrimination and Title IX Retaliation, the Title IX Coordinator will determine whether Community Standards or People Center procedures will apply based upon the facts and circumstances, such as whether the Respondent's status as a student or 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.

12. Hearing Process in Cases Involving Sex Discrimination or Title IX Retaliation

a. 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 provision(s) 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. 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 three (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.

b. 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 ten (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.

c. 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.

d. 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 will determine 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 officer 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. 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 that relates to the Complainant's prior sexual interests or prior sexual conduct is not relevant, unless such evidence is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged Prohibited Conduct. The fact of prior consensual sexual conduct between the Respondent and the Complainant does not by itself demonstrate or imply the Complainant's consent to the alleged Prohibited Conduct or preclude determination that Prohibited Conduct occurred.

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

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

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

e. 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.

f. 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 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 the 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.

13. Sanctions and Remedies in Cases Involving Sex Discrimination or Title IX Retaliation

If Respondent is found responsible for one or more violations of this Policy, the College will issue sanctions and other remedies commensurate with the violation(s).

In cases where the Respondent is a student, the Dean of Students or designee, in consultation with the Title IX Coordinator, will issue final sanctions and determine remedies. In cases where the Respondent is an employee, the People Center Leader, in consultation with the Title IX Coordinator, will issue final sanctions and determine remedies.

If the Respondent is a Student and employee, the Title IX Coordinator will determine the sanctioning officer or officers based upon the facts and circumstances, such as whether the Respondent's status as a student or 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.

Remedies or sanctions for violations of this 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;
- alteration of living or work environment; or
- Paid or unpaid administrative leave.

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

The College's decision on any sanctions and remedies 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 investigator 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.

The Title IX Coordinator is responsible for coordinating the provision and implementation of remedies to a Complainant and other persons the College identifies as having had equal access to the College's education program or activity limited or denied by Sex Discrimination; coordinating the imposition of any disciplinary sanctions on a Respondent, including notification to the Complainant of any such disciplinary sanctions; and taking appropriate prompt and effective steps to ensure Sex Discrimination does not continue to recur within the College's education program or activity.

14. Appeals

Involved 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 a dismissal of a Complaint or any allegations therein, or a determination regarding responsibility and/or remedies or sanctions on the following bases:

1. Procedural irregularity that would change the outcome;
2. New evidence that would change the outcome and that was not reasonably available when the determination whether Prohibited Conduct occurred;
3. The Title IX Coordinator, investigator, or decision maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome; or
4. The sanctions or remedies imposed are disproportionate to the nature and severity of the offense.

The parties will be notified of an appeal, including notice of the allegations if they have not previously been provided to the Respondent.

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/remedies 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 and the Final Report (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. The appeal officer will not be someone with any involvement in the matter up to that point and will be appropriately trained. 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 or respondents 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 and rationale with the Title IX Coordinator. The Title IX Coordinator or designee will notify all involved 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 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 will prepare an Addendum to the Final 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.

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.

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 Vice President may modify the sanctions.

Notification of Appeal Outcome

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

XI. Additional Policies Related to Formal Resolution

A. Additional Charges

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

B. Modification of Process

The College will follow the investigation and resolution process described herein barring exceptional circumstances. In rare instances, however, the College may be required to adapt or modify the investigation and resolution process (including timelines), in accordance with applicable law, 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.

C. Alcohol and Substance Use

As described in Reporting Considerations (Section VI.C.2), the Amnesty Policy applies throughout the process.

D. Advisor Compliance

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 and replace them with another advisor.

E. Nature of Proceedings

Proceedings conducted under these procedures are not considered legal proceedings, but rather are procedures designed to address College policy violations. Neither party may audio nor video record the proceedings.

F. Withdrawal or Resigning with Charge Pending

If a student makes the decision to withdraw from Champlain College after a notice of investigation is communicated to the student but before any determination regarding responsibility is 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 pending and was suspended because of the withdrawal. The investigation and resolution process will resume if and when the student seeks readmission or re-enrollment.

In cases where the Respondent is an employee who resigns from their position after a notice of investigation is communicated to them but before any determination regarding responsibility is made, the College may decide not to allow the individual to be rehired pending resolution of the investigation. Inquiries about employment matters can be referred to the Champlain College People Center.

XII. Accommodations

Parties in need of reasonable accommodations throughout the investigation and resolution processes may notify the Office of Accessibility. The Title IX Coordinator or designee will work with, and consult as appropriate, the Office of Accessibility to provide appropriate accommodations.

XIII. Training

The College provides training to students and employees to ensure they understand this Policy and the topics and issues related to maintaining an educational and employment environment free from all forms of Prohibited Conduct.

All employees receive training at the time of hire and annually that addresses the College's obligation to address Sex Discrimination, the scope of conduct that constitutes Sex Discrimination, and the College's reporting requirements for employees.

All Title IX Coordinators and designees, investigators, decisionmakers, informal resolution facilitators, appeal officers, and others responsible for implementing the Formal Resolution process or with authority to modify or terminate supportive measures must be trained annually on topics specific to their positions consistent with the requirements of Title IX.

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 made available upon written request to the Title IX Coordinator. 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.

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.

XIV. Record-Keeping

Consistent with the requirements of Title IX, the College will maintain the following categories of records for at least seven (7) years:

- Records of all reports, regardless of how the matter is resolved. Complaints that are not resolved by means of an Informal Resolution or Formal Resolution are not part of a student's conduct file or academic record.
- Records documenting any Informal Resolution or Formal Resolution process and the resulting outcome;
- The actions taken to respond to conduct that may reasonably constitute Sex Discrimination, including, if applicable, a determination that the allegations did not constitute Sex Discrimination and any dismissal of a Complaint;
- All materials used to provide required training.

XV. Prevention and Awareness Programs

The College is committed to the prevention of Prohibited Conduct through regular and ongoing education and awareness programs. Incoming students and new employees receive primary prevention and awareness programming as part of their orientation, and returning students and current employees receive ongoing training and related education. For a description of the College's prevention and awareness programs, including programs on minimizing the risk of incidents of Prohibited Conduct and bystander intervention, see the Student Affairs, Diversity and Inclusion ["Safety and Respect" website](#).

College Policy on Alcohol and Drugs:

Champlain College strives to create an academically focused learning community that promotes the health and safety of all students. Additionally, the College fully supports federal, state and local laws pertaining to drugs and alcohol. The College therefore prohibits student manufacture, distribution, dispensation, possession and use of alcohol, cannabis, controlled substances, cannabis and/or drug paraphernalia or legal substances with psychoactive compounds in all College-operated properties. No student, regardless of age, is permitted to possess, consume, manufacture or distribute alcohol in any College-operated properties or at off-campus College-sponsored events, except at special non-student functions or when authorized by a specific College official. Students studying abroad are required to abide by all local laws and by the policies of the host campus. Students residing in off-campus apartments are required to abide by all local, state and federal laws pertaining to alcohol, cannabis, and other drugs. Champlain College will respond to reports of off-campus behavior from community members and local law enforcement.

Consistent with the mission of the College, the primary purpose of Champlain College's Alcohol, Cannabis, and other Drug Policy is informational and educational. The College is committed to increasing student awareness and knowledge of the issues surrounding drug and alcohol use and abuse, particularly those issues involving health and well-being. Toward this end, the College sponsors educational programs on campus and provides training opportunities for students. Materials regarding the health effects of alcohol and other drugs may be obtained through the counselors or Health Services. Counselors are available to speak to students who are concerned about their alcohol, cannabis, or drug use. These students may refer themselves to counselors or may be referred to counselors by any member of the College community. All counseling sessions are confidential. Counselors will work with students to assess each individual's substance use and refer them to appropriate agencies and rehabilitation programs as needed. In addition, counselors may facilitate support groups focusing on any issues related to drug and alcohol use. Faculty, staff and students should intervene as appropriate when observing violations of the Alcohol, Cannabis, and other Drug Policy. In addition, Housing & Residential Life staff respond in any residential area, including student rooms, when there is suspicion of violations of the Alcohol, Cannabis, and other Drug Policy or when behavior infringes on the rights of others or may affect the health and safety of members of the community. Behaviors inconsistent with this policy will be documented and will result in follow-up through the student conduct process.

Good Samaritan Statement: In the interest of protecting Champlain 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 Champlain College Campus Public Safety (802-865-6465), local police or emergency services (911) or a member of the Housing & Residential Life staff (student RA or other Housing & Residential Life professional).

More specific information regarding the Good Samaritan Statement can be found further in this section of the catalog.

Definitions

- Alcohol: any beverage containing not less than 0.5% alcohol by weight

- Common Source of Alcohol: 12-pack or more of beer, 1 bottle of wine or liquor
- Cannabis: the parts, products, and non-Hemp derivatives of the plant Cannabis sativa, indica, ruderalis and hybrid strains, including Medical Marijuana, irrespective of state law to the contrary. Cannabis is a Schedule I substance under the Controlled Substances Act and, as such, is illegal under Federal law. Possession and/or use are prohibited on College property and in College activities.
- Common Source of Cannabis and/or other Drugs: any amount constituting more than one-time use
- Illicit Drug: controlled substances and analogs as defined by Federal and state law. This includes legal substances with psychoactive properties
- Possession: determined by control over a substance or object with or without regard to ownership.
- Property: any space or facility owned, leased or controlled by Champlain College.

Alcohol

Consistent with the College's goal of providing a safe and healthy campus community, the following behaviors are prohibited:

- Possessing and/or consuming alcohol at Champlain College, even if the student is 21 years of age or older. If under the age of 21, the possession or consumption of alcohol is prohibited by Vermont state law. Selling or furnishing alcohol to a minor is a crime in the State of Vermont and students may be reported to the appropriate authorities. College staff will request that students open refrigerators or other potential storage areas in situations where evidence suggests they are in possession of alcohol. Students are required to comply with this request because of the risk of large amounts of alcohol possibly being present in the room. If students do not comply, staff will be expected to open these storage areas.
- Demonstrating visible intoxication anywhere on campus or at College sponsored events. In extreme cases of intoxication, the College has the right to request transport, via the local police department, to ACT 1, UVM Medical Center or any other location deemed appropriate for purposes of detoxifying the student.
- Being present in a room with alcohol or drugs. This may lead to student conduct sanctions. College staff cannot always determine those using alcohol or drugs at a particular event; therefore, all those present will be documented on an incident report.
- Creating, offering or engaging in drinking games/activities and other behaviors designed for the purpose of becoming intoxicated through the abusive use of alcohol.
- Possessing a "common source" of alcohol. Possessing this quantity of alcohol indicates intent to distribute and share it among peers. Having a common source of alcohol is deemed a serious offense by Champlain College.
- Possessing empty boxes, bottles, cans, caps, labels, etc., of beer, wine or liquor, either as garbage, as decoration or for any other purpose.

- Displaying posters or decorations advertising or promoting alcohol in public areas, including hallways, door exteriors, windows, lounges, etc.

Drugs

Consistent with the College's goal of providing a safe and healthy campus, the following behaviors are prohibited:

- Sale, use, distribution or possession of any controlled substance, including psychoactive or illicit drugs. Controlled substances include, but are not limited to, cannabis, prescription drugs intended for recreational use, cocaine, heroin, opium, mescaline, Ecstasy, hallucinogenic mushrooms, Xanax and acid/LSD. The College prohibits the use or possession of legal substances with psychoactive properties. A College staff member may refer individuals in violation of this policy to a law enforcement agency. All drugs will be confiscated and may be destroyed.
- This includes medical cannabis prescriptions. Cannabis is a Schedule I substance under the Controlled Substances Act and, as such, is illegal under Federal law.
- Possessing a "common source" of cannabis and/or other drugs. A common source of cannabis and/or other drugs is an amount that implies intent to distribute or share.
- Possessing prescription medication without appropriate prescription or packaging.
- Possessing cannabis and/or drug paraphernalia. This includes equipment that can be used for legal or illegal substances. All paraphernalia will be confiscated and may be destroyed.
- Residual evidence of cannabis and/or drug use is prohibited. This includes the smell of cannabis, stems and seeds.
- Being present in a room with alcohol, cannabis, or other drugs may lead to student conduct sanctions. College staff cannot always determine those using alcohol, cannabis, or other drugs at a particular event; therefore, all those present will be documented on an incident report.
- Displaying of posters or decorations indicating cannabis and/or drug use in public areas, including hallways, door exteriors, windows, lounges, etc.
- The smoking of cigarettes inside any College building or parking garage. Ashtrays with cigarette butts and ashes imply that cigarettes were smoked in the room, and the student's use will be documented.

Health Effects of Other Drugs: Alcohol

The excessive use of alcohol poses significant health risks to individuals, including addiction, permanent injury and death. According to the National Institute on Alcohol Abuse and Alcoholism, alcohol use is the chief contributor to the leading causes of death each year for people under age 21, including:

- Death: 1,825 college students between the ages of 18 and 24 die each year from alcohol-related unintentional injuries, including motor vehicle crashes (Hingson et al., 2009).
- Injury: 599,000 students between the ages of 18 and 24 are unintentionally injured under the influence of alcohol (Hingson et al., 2009).
- Assault: another student who has been drinking (Hingson et al., 2009) assaults more than 696,000 students between the ages of 18 and 24.
- Sexual Assault: More than 97,000 students between the ages of 18 and 24 are the victims of alcohol related sexual assault (Hingson, et al., 2005).
- Academic Problems: About 25 percent of college students report negative academic consequences of their drinking, including missing class, falling behind, doing poorly on exams or papers, and receiving lower grades overall (Engs et al., 1996; Presley et al., 1996a, 1996b; Wechsler et al., 2002).
- Health Problems/Suicide Attempts: More than 150,000 students develop an alcohol-related health problem (Hingson et al., 2002), and between 1.2 and 1.5 percent of students indicate that they tried to commit suicide within the past year due to drinking or drug use (Presley et al., 1998).
- Property Damage: More than 25 percent of administrators from schools with high drinking levels say their campuses have a “moderate” or “major” problem with alcohol-related property damage (Wechsler et al., 1995).
- Police Involvement: About 5 percent of four-year college students are involved with the police or campus security as a result of their drinking (Wechsler et al., 2002), and an estimated 110,000 students between the ages of 18 and 24 are arrested for an alcohol-related violation such as public drunkenness or driving under the influence.

Alcohol is a depressant that slows down the central nervous system and:

- Slows reactions and impairs coordination (contributes to auto accidents)
- Impairs judgment
- Causes confusion and memory loss
- Increases the risk of hypothermia

In addition:

- Use during pregnancy can cause brain damage to the fetus
- Alcohol is frequently used to facilitate sexual assault

- Overdosing on alcohol (alcohol poisoning) or using alcohol with other drugs can cause coma or death from respiratory arrest

Signs of Alcohol Poisoning: Someone experiencing alcohol poisoning may show these signs: cannot stand up, is nonresponsive, has clammy skin, will not wake up, or has purplish skin. If you witness any of these symptoms, call 911 and Campus Public Safety at (802) 865-6465.

Do not let friends “Sleep it Off.” Blood alcohol level continues to rise even when someone is asleep, which puts your friend at risk.

Cannabis and Other Drugs

Cannabis, the most commonly abused drug in the United States (National Institute of Drug Abuse data, <http://www.drugabuse.gov/infofacts/marijuana.html>), is a drug with the active ingredient of tetrahydrocannabinol (THC). THC acts upon specific sites in the brain and can impair judgment, short-term memory and coordination, and may increase the risk of developing cancer. Long-term use can lead to addiction and can have negative effects on the heart, lungs and activities of daily living. Additionally, cannabis use can increase anxiety, heart rate, and likelihood of panic attacks. When combined with alcohol, cannabis can contribute to alcohol poisoning.

Synthetic cannabis is a psychoactive herbal and chemical product that, when consumed, allegedly mimics the effects of cannabis. It is best known by the brand names K2 and Spice. Though its effects are not well documented, extremely large doses may cause negative effects that are in general not noted in cannabis users, such as increased agitation and vomiting. Synthetic cannabis is associated with acute psychosis, worsening of previously stable psychotic disorders, and also may have the ability to trigger a chronic (long-term) psychotic disorder among vulnerable individuals such as those with a family history of mental illness.

Cocaine is a highly addictive, powerful central nervous system stimulant. Persons using cocaine can be restless, irritable, depressed, anxious or paranoid. Effects include constricted blood vessels, increased heart rate and increased blood pressure, which can cause heart attack, respiratory failure, stroke or seizure. Repeat cocaine users report the drug does not provide the positive effects they first felt, so they use more of the drug more often to get those effects. Using more increases negative consequences.

Heroin is a highly addictive depressant; it impairs coordination and causes extreme sedation. Acute symptoms of withdrawal are flu-like symptoms, including nausea, diarrhea and muscle cramps. Overdoses can cause slow, shallow breathing; convulsions; coma and death.

Methamphetamine (Meth) is an addictive stimulant that strongly activates certain systems in the brain. Methamphetamine can be taken orally, injected, snorted, or smoked. Chronic use can cause paranoia, hallucinations, repetitive behavior and delusions of parasites or insects crawling under the skin. Long-term use, high dosages, or both can bring on full-blown toxic psychosis (often exhibited as violent, aggressive behavior). This violent, aggressive behavior is usually coupled with extreme paranoia. Methamphetamine use can also cause strokes and death.

Club Drugs/Hallucinogens

Club drug is a term that refers to a variety of drugs including MDMA (Ecstasy), GHB, Rohypnol, ketamine and LSD. Because these drugs can be contaminated by any number of additives and are manufactured in different ways, it can be difficult to predict with certainty all consequences and toxic levels of the drug.

Ecstasy (MDMA) is a stimulant with a hallucinogen. Research has shown that Ecstasy use causes long-term brain damage. The effects are varied and include dehydration. Due to rapid increases in body temperature, blood pressure and heart rate, Ecstasy users can die from dehydration.

Ketamine is a dissociative anesthetic with a similar chemical structure and mechanism of action to those of PCP. Ketamine impairs attention, learning ability and memory.

LSD is a hallucinogen that can have unpredictable effects. Some users have symptoms similar to schizophrenia or depression that persist after they use LSD. Without using the drug again, some users have “flashbacks” and relive experiences that occurred while using LSD.

MDPV (Bath Salts) is a psychoactive drug with stimulant properties. MDPV has been reported to produce effects similar to cocaine and amphetamines. Physiological and psychological effects include high blood pressure, insomnia, kidney pain, breathing difficulty, severe paranoia, extreme anxiety, suicidal thoughts/actions, and agitation. Incidents of extreme physical violence have been attributed to MDPV use.

Prescriptions and Over-the-counter Drugs

Painkillers (e.g., Codeine, OxyContin, Percocet and Vicodin): These are opioids, or narcotics. Taking a large single dose of prescription pain relievers can cause nausea, sedation, dizziness, vomiting, headache or severe respiratory depression that can lead to death. Use of prescription pain relievers with other substances that depress the central nervous system, such as alcohol, antihistamines, barbiturates, benzodiazepines, or general anesthetics, increases the risk of life-threatening respiratory depression.

Sedatives and Tranquilizers (e.g., Quaaludes, Xanax, Valium, benzodiazepines): Prescription medications that act as central nervous system depressants. Combining sedatives and tranquilizers with other substances greatly raises the risk of serious medical consequences. Using prescription sedatives and tranquilizers with other substances-particularly alcohol-can slow breathing, or slow both the heart and respiration, and possibly lead to death. Barbiturates are prescription sedatives or “sleeping pills” and benzodiazepines are prescription “tranquilizers” which cause impairment of memory, judgment and coordination; irritability; paranoia and suicidal ideation. Some people experience a paradoxical reaction to these drugs and can become agitated or aggressive.

Stimulants (e.g., Adderall, Dexedrine, Ritalin): A class of drugs that enhance brain activity. Taking high doses of some stimulants repeatedly over a short time can lead to feelings of hostility or paranoia. Additionally, taking high doses of a stimulant may result in dangerously high body temperatures and an irregular heartbeat. There is also the potential for cardiovascular failure (heart attack) or lethal seizures.

Definitions of Crime and Statistics:

Statistics: Federal Law requires colleges and universities to publish reports containing campus crime statistics. Amendments made to the Clery Act in 2009 and 2013 altered the law's reporting requirements, expanding the list of reportable offenses and creating new reporting categories. Statistics in this Annual Campus Public Safety Report reflect the expanded scope of those amendments, as required by law.

An incident qualifies as a reported crime and is included in the College's disclosure of campus crime statistics when it meets one of the following definitions:

Note: these are the definitions that will be used for purposes of counting crimes for inclusion in the annual statistical disclosure.

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

Manslaughter by Negligence: The killing of another person through gross negligence.

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

Hate Crime: A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

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

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes offenses that are classified by local law enforcement agencies as burglary, unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle.

Weapons: Carrying, Possessing, Etc.: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms,

cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

Drug Abuse Violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Liquor Law Violations: The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Dating violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. (i) 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. (ii) 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.

Domestic violence: A felony or misdemeanor crime of violence committed—(A) By a current or former spouse or intimate partner of the victim; (B) By a person with whom the victim shares a child in common; (C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

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

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

Sexual Assault (Sex Offenses): Any sexual act directed against another person, without the consent of the victim, including where the victim is incapable of giving consent. This includes rape, fondling, incest, and statutory rape as they are defined above.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to— (A) Fear for the person's safety or the safety of others; or (B) Suffer substantial emotional distress. For the purposes of this definition—(A) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. (B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. (C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Jeanne Clery Disclosure of Campus Crime Statistics for [Burlington, VT](#)

Offense	Year	On Campus Property	Residential Facilities	Non Campus Property	Adjacent Public Property
Murder/Non-Negligent Manslaughter	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Negligent Manslaughter	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Rape	2021	1	1	0	0
	2022	2	2	0	0
	2023	1	0	0	0
Statutory Rape	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Incest	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Fondling	2021	2	2	0	0
	2022	2	2	0	0
	2023	3	3	0	0
Robbery	2021	0	0	0	0
	2022	1	0	0	0
	2023	0	0	0	0
Aggravated Assault	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	3
Burglary	2021	2	2	0	0
	2022	1	1	0	0
	2023	1	0	0	0
Motor Vehicle Theft	2021	0	0	0	0
	2022	0	0	0	1
	2023	1	0	0	0
Arson	2021	0	0	0	0
	2022	1	1	0	0
	2023	0	0	0	0
Liquor Law Arrests	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

Liquor Law Violations Referred for Disciplinary Action	2021	20	20	0	0
	2022	51	51	0	0
	2023	34	34	0	0
Drug Law Arrests	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2021	2	1	0	0
	2022	2	2	0	0
	2023	2	2	0	0
Illegal Weapons Poss. Arrest Illegal Weapon Possession Arrests	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Illegal Weapons Possession Violations Referred for Disciplinary Action	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Hate Crimes	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
(VAWA) Domestic Violence	2021	0	0	0	0
	2022	0	0	0	0
	2023	1	1	0	0
(VAWA) Dating Violence	2021	1	1	0	0
	2022	2	2	0	0
	2023	2	2	0	0
(VAWA) Stalking	2021	0	0	0	0
	2022	2	2	0	0
	2023	1	0	0	0

Jeanne Clery Disclosure of Campus Crime Statistics for [Dublin, Ireland](#)

Offense	Year	On Campus Property	Residential Facilities	Non Campus Property	Adjacent Public Property
Murder/Non-Negligent Manslaughter	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Negligent Manslaughter	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Rape	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Statutory Rape	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Incest	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Fondling	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

Robbery	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Aggravated Assault	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Burglary	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Motor Vehicle Theft	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Arson	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Liquor Law Arrests	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Drug Law Arrests	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Drug law Violations Referred for Disciplinary Action	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Illegal Weapon Possession Arrests	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Illegal Weapons Possession Violations Referred for Disciplinary Action	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Hate Crimes	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
(VAWA) Domestic Violence	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
(VAWA) Dating Violence	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
(VAWA) Domestic Violence	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
(VAWA) Stalking	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

Jeanne Clery Disclosure of Campus Crime Statistics for **Montreal, Quebec**

Offense	Year	On Campus Property	Residential Facilities	Non Campus Property	Adjacent Public Property
Murder/Non-Negligent Manslaughter	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Negligent Manslaughter	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Rape	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Statutory Rape	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Incest	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Fondling	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Robbery	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Aggravated Assault	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Burglary	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Motor Vehicle Theft	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Arson	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Liquor Law Arrests	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Drug Law Arrests	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Drug law Violations Referred for Disciplinary Action	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Illegal Weapon Possession Arrests	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

Illegal Weapons Possession Violations Referred for Disciplinary Action	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Hate Crimes	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
(VAWA) Domestic Violence	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
(VAWA) Dating Violence	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
(VAWA) Domestic Violence	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
(VAWA) Stalking	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

Fire Safety in Residence Halls:

Each year Campus Public Safety conducts (1) one unannounced fire drill per each on-campus housing facility. Students are timed on their egress with a goal of three minutes or less to exit the building. Each building is summarily searched during the exercise to ensure complete evacuation has occurred. Those who have not evacuated are counseled. Students living in on-campus housing facilities receive education and training during new student orientation, from Campus Public Safety personnel, in regards to fire safety.

All campus affiliates are given instructions during their Campus Public Safety orientation training and told to report all fires immediately by dialing 911. Affiliates are educated about fire safety inspections, are given lists of prohibited items and informed about the College's right to search buildings for fire hazards. All reports of fires are forwarded to Campus Public Safety for documentation.

The College smoking policy prohibits indoor smoking in all College buildings. As of September 2012, outdoor smoking is banned on central campus (Aiken Lawn and the Rozendaal Courtyard) and within 25 feet of all entries, outdoor air intakes and operable windows from 7 a.m. to 7 p.m. Outdoor smoking is also banned outside of all residence halls within 25 feet of all entries, outdoor air intakes, and operable windows at all times. This includes the third-floor patio of the library.

The campus has a smoking gazebo located on the lawn next to Aiken Hall which is a designated smoking spot on campus. If you need to smoke while visiting our campus, please ask where the gazebo is if you can't find it.

- The College reserves the right to inspect a room at any time, and reserves the right to immediately remove all health or safety hazards. Hazards include the following:
 - Candles, incense and open flames are not permitted in any residence.
 - Cooking is not permitted in the residence halls outside of designated kitchen areas. Cooking appliances, including portable electric cooking appliances, in student's rooms

constitute a fire hazard and, if found, will be removed by the staff. This includes all types of coffee makers.

- Grills are not permitted at any residence hall except at College approved outdoor events.
 - Sunlamps, immersion coils and extension cords are not permitted. Power strips are permitted provided they have an internal safety breaker feature.
 - Students may decorate their rooms and residence halls, but live greens are not permitted and only UL-approved lights may be used. Lights may not be draped in doorways or hung from the ceiling or fire safety equipment, and they may not be used anywhere near fabric or paper decorations.
 - The College reserves the right to remove any decorations that present a fire hazard. Extra furniture that presents a safety hazard may be removed by the College.
- All exits are to be kept free of obstructions.
 - All fire escapes, extinguishers, alarms and carbon monoxide detectors are for use in emergencies and in supervised fire drills only. Their use for other purposes is a serious violation of College regulations.
 - Halogen lamps are not permitted in residence halls.
 - No drapes, flags, tapestries or other flammable materials may be hung from any place in the room that would interfere with egress from the room or the operation of a light fixture, sprinkler head or smoke detector.

Students will be fined \$100 by the College for any violation of these regulations, including unnecessary discharge of a fire extinguisher, tampering with pull stations, smoke or heat detectors, emergency exits, carbon monoxide detectors or any other life safety device. The local Fire Department may impose further fines. Students who fail to exit a building during a drill or an unplanned alarm may also be subject to this fine or similar sanctions (if the responsible party is not identified, the fine may be levied against all building residents). Violation of these regulations may also be a violation of the College's Standard of Conduct that will be handled under the College's disciplinary procedures.

The following represents the fire safety systems in residential facilities.

Residential Hall- Burlington, Vt.	Fire alarm monitoring by BFD	Sprinkler system	Smoke detection	Fire extinguishers	Evac plans and placards	Fire drill one per calendar year
308 Maple	X	X	X	X	X	X
371 Main St	X	X	X	X	X	X
396 Main St	X	X	X	X	X	X
Adirondack	X	X	X	X	X	X
Bader Hall	X	X	X	X	X	X
Bankus Hall	X	X	X	X	X	X

Boardman Hall	X	X	X	X	X	X
Butler Hall	X	X	X	X	X	X
Carriage House	X	X	X	X	X	X
Cushing Hall	X	X	X	X	X	X
Schillhammer	X	X	X	X	X	X
Hill Hall	X	X	X	X	X	X
Jensen Hall	X	X	X	X	X	X
Juniper Hall	X	X	X	X	X	X
Lakeview Hall	X	X	X	X	X	X
Lyman Hall	X	X	X	X	X	X
McDonald Hall	X	X	X	X	X	X
North House	X	X	X	X	X	X
Pearl Hall	X	X	X	X	X	X
Rowell Hall	X	X	X	X	X	X
Sanders Hall	X	X	X	X	X	X
South House	X	X	X	X	X	X
Summit Hall	X	X	X	X	X	X
Valcour Hall	X	X	X	X	X	X
Whiting Hall	X	X	X	X	X	X
158 So. Willard	X	X	X	X	X	X
194 St. Paul St.	X	X	X	X	X	X

Fire Safety Report – Burlington, VT

The procedure for running a fire drill is as follows:

1. Each semester, Campus Public Safety staff will conduct one unannounced fire drill in every residence hall that will be timed by staff (the desired goal is complete evacuation in 3 minutes or less. Because students are not to know of the drill prior to it happening, the procedure is as follows: Campus Public Safety officer notifies the local fire department of the drill and then proceeds to the dorm and notifies the Residential Life staff of the drill and then immediately activates a pull station to start the alarm.
2. A Campus Public Safety officer will arrive at the residence hall before the drill is initiated.
3. A Public Safety officer will telephone the Burlington Fire Department (BFD) to report when the drill will begin, so the Department can take the building offline.
4. The Public Safety officer will activate a pull station to begin the fire drill.
5. In a planned drill a Residential Life staff member or Public Safety officer will check all the rooms to make sure that all students have evacuated the building. Attendance will be taken at an outdoor waiting area by a Public Safety officer or Residential Life staff member.
6. After the evacuation of the building is complete, Public Safety personnel will silence the alarm and reset the pull station. The Public Safety staff will reset the panel and notify the BFD that the drill is complete.

If students or employees hear or observe a fire alarm or are told that a fire is in progress, they **shall** do

the following:

1. Evacuate the building immediately. Leave personal belongings behind. Everyone shall move to an outdoor position of safety – away from the structure in alarm. Once outdoors, no one may re-enter the building under any circumstances.
2. A Residential Life staff member shall start accounting for all residents outside the residence hall. A Public Safety Officer or fire department representative should be immediately notified if an occupant is expected to be inside the hall.
3. Only after the fire department establishes the safety of the building may residents re-enter the residence hall.

The College's Annual Fire Safety Report is available at the Campus Public Safety Office and within this document. If you are aware of any fires please notify The Campus Public Safety Director, Bruce Bovat @ (802) 860-2755 or bbovat@champlain.edu

Name of Res Hall Burlington, VT	2021	2021	2021	2022	2022	2022	2023	2023	2023
	Total Fires	Injuries Due to Fire	Death Due to Fire	Total Fires	Injuries Due to Fire	Death Due to Fire	Total Fires	Injuries Due to Fire	Death Due to Fire
308 Maple	0	0	0	0	0	0	0	0	0
371 Main	0	0	0	0	0	0	0	0	0
396 Main	0	0	0	0	0	0	0	0	0
Adirondack	0	0	0	0	0	0	0	0	0
Bader Hall	0	0	0	0	0	0	0	0	0
Bankus Hall	0	0	0	0	0	0	0	0	0
Boardman Hall	0	0	0	0	0	0	0	0	0
Butler Hall	0	0	0	0	0	0	0	0	0
Carriage House	0	0	0	0	0	0	0	0	0
Cushing Hall	0	0	0	1	0	0	0	0	0
Schillhammer	0	0	0	0	0	0	0	0	0
Hill Hall	0	0	0	0	0	0	0	0	0

	2021	2021	2021	2022	2022	2022	2023	2023	2023
Res. Halls Continued	Total Fires	Injuries Total	Deaths Total	Total Fires	Total Injuries	Total Deaths	Total Fires	Total Injuries	Total Deaths
Jensen	0	0	0	0	0	0	0	0	0
Juniper	0	0	0	0	0	0	0	0	0
Lakeview	0	0	0	0	0	0	0	0	0
Lyman	0	0	0	0	0	0	0	0	0
McDonald	0	0	0	0	0	0	0	0	0
North	0	0	0	0	0	0	0	0	0
Pearl Hall	0	0	0	0	0	0	0	0	0
Rowell Hall	0	0	0	0	0	0	0	0	0
Sanders	0	0	0	0	0	0	0	0	0
South	0	0	0	0	0	0	0	0	0
Summit	0	0	0	0	0	0	0	0	0
Valcour	0	0	0	0	0	0	0	0	0
Whiting	0	0	0	0	0	0	0	0	0
158 So. Willard	0	0	0	0	0	0	0	0	0
194 St. Paul	1	0	0	0	0	0	0	0	0

Residential Hall- Burlington, Vt.	2021 Causes of Fire	2022 Causes of Fire	2023 Causes of Fire
308 Maple			
371 Main St			
396 main St			
Adirondack			
Bader Hall			
Bankus Hall			

Boardman Hall			
Butler Hall			
Carriage House			
Cushing Hall		Smoldering clothing in trash can	
East House			
Hill Hall			
Jensen Hall			
Juniper Hall			
Lakeview Hall			
Lyman Hall			
McDonald Hall			
North House			
Pearl Hall			
Rowell Hall			
Sanders Hall			
South House			
Summit Hall			
Valcour Hall			
Whiting Hall			
158 So. Willard St.			
194 St. Paul	Grease fire on stove top		

Residential Hall- Burlington, Vt.	2021 Property Damage Value to Fire	2022 Property Damage Value to Fire	2023 Property Damage Value to Fire
308 Maple			
371 Main St			
396 main St			
Adirondack			
Bader Hall			
Bankus Hall			
Boardman Hall			
Butler Hall			
Carriage House			
Cushing Hall		\$.00	
East House			
Hill Hall			
Jensen Hall			
Juniper Hall			
Lakeview Hall			
Lyman Hall			
McDonald Hall			
North House			
Pearl Hall			
Rowell Hall			
Sanders Hall			
South House			

Summit Hall			
Valcour Hall			
Whiting Hall			
287 College St			
158 So. Willard St.			
315 Maple St.			
194 St. Paul	\$1,164.62		

Fire Statistics – DUBLIN	Year	Total Fire Reports	No Residential Facilities	Cause of Fire
Fires (No-Campus Housing)	2021	0		
	2022	0		
	2023	0		
Deaths Related to Fire	2021	0		
	2022	0		
	2023	0		
Injuries Related to Fire	2021	0		
	2022	0		
	2023	0		
Property Damage Value Related to Fire	2021	0		
	2022	0		
	2023	0		
Arson Also Appears in Clery Statistics as a Crime	2021	0		
	2022	0		
	2023	0		

Fire Statistics- MONTREAL	Year	Total Fire Reports	No Residential Facilities	Cause of Fire
Fires (No-Campus Housing)	2021	0		
	2022	0		
	2023	0		
Deaths Related to Fire	2021	0		
	2022	0		
	2023	0		
Injuries Related to Fire	2021	0		
	2022	0		
	2023	0		
Property Damage Value Related to Fire	2021	0		
	2022	0		
	2023	0		
Arson: Appears in Clery statistics as a Crime	2021	0		
	2022	0		
	2023	0		

Burlington/ Vermont and Champlain College- Resources

Category and Contact	Phone #
Emergency – Fire/Police/Ambulance	911
Burlington Police Dept.	802-658-2700
Burlington Fire Dept.	802-864-5311
Sexual Assault/Violence	---BLANK---
Steps to End Domestic Violence (hotline)	800-799-7233
Spectrum Youth & Family Services	802-864-7423
HOPE Works	802-863-1236
Sexual Harassment/Discrimination	---Blank---
Cory Davis Title IX Coordinator	802-865-6428
Vermont Attorney General	802-828-3171
Counseling Resources:	----Blank----
Champlain College Counseling Center	802-865-5731
Champlain College 24 Hour on-call counselor	802-865-5745
The Howard Center	802-488-6000
University of Vermont Medical Center (UVMCC)	802-847-0000
Family Planning/Health	----Blank----
Planned Parenthood of Northern New England	802-863-6326
Champlain College Health Services	802-860-2711
Drug & Alcohol Education:	--Blank--
Alcohol Crisis ACT 1	802-488-6425
Champlain College Public Safety: 24- hour line	802-865-6465
Director of Campus Public Safety: Bruce Bovat	802-860-2755
Dean of Students: Susan Waryck	802-860-2702

Dublin & Montreal Support Resources & Protocols:

Each semester, students from Champlain College study abroad in Dublin, Ireland and/or Montreal, Quebec. Students receive intensive instruction and training from staff while in Burlington from the Office of International Education, and staff from abroad with regard to personal and fire safety while living abroad.

Each Dublin & Montreal staff member possesses a binder with emergency procedures. A copy of the procedures is kept at the home of each staff member (including student residence), a copy in the Academic Centre, and each staff member also has it in Dropbox to access from their smartphones if they are away from their physical copy when the emergency occurs.

The following documents are in the staff binder:

Semester contact information – student contact numbers (students are issued cell phones), duty phone numbers, and staff phone numbers. This information is also posted in each student apartment.

Student health declarations – prior to arriving in Ireland or Montreal students are asked to declare pre-existing physical and mental health issues. This information is stored in the staff binders.

- Parent/guardian emergency contact details – stored only in the staff binders.
- Posted on the walls of each apartment at the residence are the following documents:
- Student rooming list and contact information along with Dublin/Montreal - specific emergency contact information.
- Fire evacuation plans
- Dublin & Montreal maps showing nearest hospitals and medical contact information

Protocols:

There are specific protocols on file in Dublin & Montreal for possible emergencies that could arise (see below). Staff in both locations receive annual training on these protocols. These protocols are not published in this document as they contain sensitive personal information regarding staff and other support personnel.

- Unexpected Death of a Student
- Sexual Assault Protocol (can also be used for simple assault)
- Severe Mental Health Crisis / Attempted Suicide – and a guide sheet for assessing risk with mental health issues

Both Dublin & Montreal campuses rely on the procedures outlined in the Champlain College *Emergency Response Plan* (included in this report) for the following types of incidents:

- Bias related Incident
- Fire
- Gas / Carbon Monoxide Leak
- Harassment
- Illegal Activity
- Medical Emergency (including alcohol / drug crises) Power Outage / Heat Failure
- Water Damage / Flood

Emergency Response Preparedness:

Champlain College's Emergency Response Protocol (ERP) provides guidance and responses to potential emergency situations. While no emergency protocol can fully anticipate all the variables that an emergency might present, it is better to respond within the framework of an existing plan than to create one during an unfolding emergency. The ERP outlines various levels of responsibility and actions needed to ensure a coordinated and effective response in the event of an emergency. The ERP ensures accurate, clear, and orderly communication is being

communicated to the necessary groups and media while operating in compliance with governmental regulations.

The college policies and procedures herein will generally be followed by administrators whose responsibility and authority cover the operational procedures in this guide. Any exception to these emergency management procedures will be conducted by, or with the approval of, those administrators directing and/or coordinating the emergency operations. Since emergency situations could require outside agencies to respond (i.e., Burlington Police/Fire Department and Rescue), Champlain College's Emergency Response Plan (ERP) follows the National Incident Management System (NIMS) in accordance with the Presidential Homeland Security Directive 5.

<http://www.whitehouse.gov/news/releases/2003/02/20030228-9.html>

The ERP Categorizes Emergencies as follows:

Categories of Emergency:

CAT 1 – (NIMS type 1/ 2) These emergencies have the greatest potential to negatively impact the campus community's safety and security, property damage or the disruption of college and/or academic operations. CAT 1 requires the activation of the ERT. *(Example: earthquake, major hurricane, pandemic flu or other contagious outbreak, or act of terrorism which would require State and Federal assistance.)*

CAT 2 - (NIMS type 3) These have the potential of people being harmed (emotionally or physically), college property being damaged or the disruption to college and/or academic operations. These usually require more than 2 Departments, but most likely less than the entire ERT. *Examples: a contained fire, an extended break down of an HVAC unit during extreme weather conditions, bomb threats, suicide or an untimely death on campus. These emergencies are addressed quickly and assessed to ensure they don't evolve into a larger incident.*

CAT 3 – (NIMS type 4/5) a minor incident in which Champlain College personnel respond, assess the situation, apply a solution and determine that there is no continuing hazard to people and/or property. These incidents are usually resolved by the primary responder(s) with no immediate or long-term impact to daily operations. (Examples: minor injuries, minor accidents, short power surge or outage, minor equipment or facility issues.)

Direction and Coordination of an Emergency

When an emergency occurs, it should be reported immediately to Campus Public Safety at (802) 865-6465 and/or dial **911**.

The responding Campus Public Safety Officer(s) will follow a defined sequence of responses.

1. Conduct on site triage and request appropriate police, fire and/or medical assistance.

2. Notify the Director of Public Safety, or designee, who will then notify the appropriate Emergency Response Team members (Appendix A).

Note: *The President (or the next most senior available administrator) retains Executive Authority and has the ultimate responsibility for declaring a "state of campus emergency," and making key executive decisions. S/he will be assisted and advised by the Policy Group and the Operations Group (together the Policy Group and the Operations Group comprise the Emergency Response Team). Field operations remain under the direction of an on-scene Incident Commander.*

Direction and Coordination of a Potential Emergency

When conditions indicate a potential emergency situation (*i.e., forecasted blizzard or ice storm, significant campus disturbance, etc.*) key members of the Policy Group will confer with key leaders within the Operations Group to decide if the entire Emergency Response Team is needed to generate an action plan, or if a smaller contingency is better suited.

POLICY GROUP MEMBERS: *(Used for some CAT 2 and all CAT 1 Incidents)*

- President (Convener)
- The Chief Operating Officer (COO)
- Provost (or designee) (secondary convener)
- Vice President of Finance
- Vice President of Student Affairs
- President's Chief of Staff
- The Vice President for Enrollment Management
- Vice President of Human Resources
- The Vice President of Institutional Advancement
- Vice President of Technology

Role of Policy Group: It shall be the role of the Policy Group to perform the following tasks:

- Oversee reconstitution with priorities & strategies
- Assist with public information reports & instructions
- Liaison with governments & external organizations
- Liaison with the Board of Trustees

OPERATIONS GROUP MEMBERS: *(Used for some level 2 and all level 1 Incidents)*

- Dean of Students
- Director of Residential Life
- Associate Provost(s)
- Director Campus Public Safety
- Director Physical Plant
- Director Food Services / Sodexo

- Director Public Information and News
- Director of the IDX Student Center
- Director of Information Technology
- Director of Event Center
- Communications personnel
- Risk Management Director

Role of Operations Group: It shall be the role of the Operations Group to perform the following tasks:

- Gather, confirm & evaluate incident information
- Identify resource needs & shortfalls
- Reassign/deploy individuals in support of critical needs
- Coordinate /communicate with the on-scene Incident Commander (IC) and Policy Group
- Manage crisis management call center
- Link to local, state, and federal emergency operation centers if applicable

Role of Incident Commander (IC)

The **Incident Commander** is the person responsible for all aspects of emergency response at the emergency site; including quickly developing incident objectives, managing incident operations, application of resources as well as responsibility for all persons involved. The IC is the first College representative at the scene and will remain the IC until relieved by someone of greater authority and/ or expertise.

Declaration of an Emergency

The President, Provost, Chief Operating Officer, Vice President of Student Affairs (*in descending order*) can declare a CAT 1 emergency when deemed necessary to initiate emergency response procedures and/or to close all or part of the campus. The President, Provost, Chief Operating Officer, Vice President for Student Affairs, are the only ones with the authority to declare an end to the state of emergency.

Emergency Communications (*For CAT 1/2 Emergencies*)

Timely and accurate communication with the campus population during a CAT 1 and some CAT 2 emergencies is essential. The Campus Mass Emergency Notification System (RAVE Mobile Alert) will be used to quickly notify all faculty, staff and residential/commuter students with important direction. Depending upon the nature of the emergency the College will also utilize phone mail, e-mail and the College Website to disseminate essential information.

When appropriate, the local media will be notified. Should both the campus phone system and data network be unavailable, campus staff will be dispatched on foot to alert key personnel in each campus building. Emergency communications, both on and off-campus, will be

coordinated by the President's Chief of Staff and the Vice President of Information Technology or their designees.

During a CAT 1 emergency, or when the nature of the emergency suggests a potential influx of telephone inquiries concerning the well-being of faculty, staff, and students, a special phone message will replace the College's main greeting for incoming calls. The special phone message will direct callers to the campus Web site, national media and other appropriate means. Prior to such distribution, the campus crisis management relations team will serve as an incoming call center and placed under the temporary management of the Emergency Operations Team.

EMERGENCY OPERATIONS CENTER (EOC)

If an emergency involves a large portion of the campus, (CAT 1) an EOC will be established at a predetermined location. All pre-designated sites have generator-supplied back-up power, phone lines and utilities. The Public Safety Director or designee will play a key role in notifying campus personnel to respond to the EOC in accordance to the Emergency Response Plan. All incoming calls relevant to the crisis will be directed to the EOC. Outgoing calls will be made from other phone lines located within or near the Emergency Operations Center. All attempts will be made to provide no less than one Public Safety Officer at the EOC at all times until the emergency is resolved.

Communication personnel, with the help of Campus Public Safety, shall establish a separate marshalling area for media. The Skiff Hall parking lot and lawn area is a pre-designated area for television crews if the situation allows. A podium for press conferences can be set up near the base of the back steps of Skiff Hall, facing the lake. If necessary, the Gallery may be opened as shelter for the press.

MOBILE EMERGENCY OPERATIONS CENTER

If the emergency involves only one building or a small part of the campus (CAT 2) a Field or Mobile Emergency Operations Center may be utilized. A public safety vehicle and Public Safety Officer may be placed as close to the emergency as reasonably possible. If possible one Public Safety Officer (PSO) will staff the field command operations center at all times until the emergency is resolved. The PSO will relay all pertinent information to the Emergency Operations Center.

PHYSICAL PLANT – (Operations Group)

- a) Utilizes Building Survey Log to document damages and/or utility outages (See Appendix)
- b) Provides equipment and personnel to perform shutdown procedures, hazardous area control, barricades, damage assessment, debris clearance, salvage operation, emergency repairs, etc.
- c) Provides vehicles, equipment and operators for movement of personnel and supplies, assigns vehicles as required for emergency use.
- d) Obtains the assistance of utility companies as required for emergency operations.
- e) Furnishes emergency power and lighting systems as needed.

- f) Surveys habitable space and relocates essential services and functions.
- g) Provides facilities for emergency generator fuel during actual emergency or disaster periods.
- h) Provides for storage of vital records at an alternate site, coordinates with building and area coordinators for liaison and necessary support.

CAMPUS PUBLIC SAFETY (CPS)- (Operations Group)

- a) Takes immediate steps to protect lives and property.
- b) Makes appropriate phone calls, according to the Emergency Alert Roster (Appendix A of the ERP).
- c) Is liaison to local emergency responders (police, fire, UVMMC, etc.)
- d) Oversees RAVE Mobile Alert emergency warnings and evacuation systems.
- e) Provides traffic control, access control, perimeter and internal security patrols and fire prevention services as needed.
- f) Sets up an emergency operations center as needed.
- g) Consults with the Emergency Response Team on safety matters. Responsibility will be to minimize hazardous exposure to employees and students during the recovery process.

STUDENT LIFE – (Operations Group)

The Dean of Student Affairs/Director of Residential Life and the On- Duty Area Coordinator(s) - coordinates follow-up with students and their families.

- a) Help to contain and responds to incidents that affect students, including food, clothing, personal items and housing issues.
- b) Track the location of students who become displaced.
- c) Act as primary liaison with parents. Will handle calls from parents of students who may call or e-mail the College, while consulting the Public Information and News Director's talking points.
- d) The Counseling staff will contact family members, roommates, and friends of students who are affected or injured within FERPA privacy guidelines.
- e) Will call in additional trauma/grief specialists and spiritual support as needed.

FOOD SERVICES (Director – Sodexo - Operations Group)

The Director of Food Services or his/her designee coordinates food service and makes service available to campus affiliates during a campus emergency.

- a) Works within the Emergency Operations Center to gather current emergency status.
- b) Has established members of Sodexo to serve as part of emergency response team.
- c) Ensures adequate food is available to those affected or displaced by an emergency.
- d) Prepares for adequate staffing coverage for the dining facility in the event 24-hour availability is necessary.

PEOPLE CENTER AND HUMAN CAPITAL (Operations Group)

The Associate Vice President for Human Capital- coordinates follow-up with employees and their families affected by a campus emergency.

- a) Help contain and respond to incidents that may affect employees.
- b) Utilizing the “Employee Contact Information Binders”: will notify that employee’s emergency contact person.
- c) Act as primary liaison with families of employees. Will handle calls from family members of employees who may call or e-mail the College, while consulting the Public Information Officer’s talking points.
- d) Will call in trauma/grief specialists and spiritual support as needed.

COMMUNICATIONS GROUP (Operations Group)

- a) Works within the Emergency Operations Center to gather current emergency status.
- b) Is the liaison with the news media for dissemination of information
- c) Ensures the College phone system is staffed and recordings are current.
- d) Uses pre-designated media locations for in-person media relations.
- e) Works with campus Audio-Visual media services to position a podium near the media location for press conferences.
- f) Monitors the all forms of media and social media to stay abreast of the situation.
- g) Helps prepare all statements for internal and external dissemination.
- h) Coordinates with the campus web managers for posting updates on both college websites and sending out campus-wide e-mails.
- i) The College President is held in reserve for only the most high-level press briefings.

CAMPUS CRISIS RELATIONS MANAGMENT (Operations Group – Level 1/2)

The Operations Group will designate an appropriate number of campus stakeholders to serve as an incoming call center to handle inquiries from neighbors, families of students, etc. and will be placed under the temporary management of the Emergency Operations Team

EMERGENCY EVACUATION

In an event with the need for a quick response, the student is the only person who can effectively plan for a campus evacuation.

Champlain College residential students are required to provide and submit the following information

1. Student name, and college I.D. number

2. Addresses of two relocation sites, preferably in different cities
3. Parent/guardian mailing address - all plans will be sent to this address for your information

If you have questions or concerns, please email publicsafety@champlain.edu

Appendix A: Vermont Definitions for the Crimes of Dating Violence, Domestic Violence, Sexual Assault and Stalking

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

Definitions

Effective: July 1, 2021

13 V.S.A. § 3251

As used in Vermont's definition of sexual assault:

(1) A "sexual act" means conduct between persons consisting of contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the vulva, or any intrusion, however slight, by any part of a person's body or any object into the genital or anal opening of another.

(2) "Sexual conduct" means any conduct or behavior relating to sexual activities of the complaining witness, including but not limited to prior experience of sexual acts, use of contraceptives, living arrangement, and mode of living.

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

(4) "Serious bodily injury" shall have the same meaning as in subdivision 1021(2) of this title.

(5) "Bodily injury" means physical pain, illness, or any impairment of physical condition.

(6) "Actor" means a person charged with sexual assault or aggravated sexual assault.

(7) "Deadly force" means physical force which a person uses with the intent of causing, or which the person knows or should have known would create a substantial risk of causing, death or serious bodily injury.

(8) "Deadly weapon" means:

(A) any firearm; or

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

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

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

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

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

(C) lacks the mental ability to make or communicate a decision about whether to engage in the conduct at issue.

13 V.S.A. § 3252

Sexual assault

Effective: July 1, 2021

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

(1) without the consent of the other person;

(2) by threatening or coercing the other person;

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

or

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

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

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

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

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

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

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

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

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

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

13 V.S.A. § 3254

Trial procedure; consent

Effective: July 1, 2021

In a prosecution for a crime defined in this chapter or [section 2601](#) of this title:

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

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

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

(4) A sleeping or unconscious person cannot consent.

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

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

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

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

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

13 V.S.A. § 1041 and

15 V.S.A. Chapter 21 Definitions

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

15 V.S.A. § 1101. "Household members" means 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 who have dated.

"Dating" means a social relationship of a romantic nature. Factors that the court may consider when determining whether a dating relationship exists or existed include:

- (A) the nature of the relationship;
- (B) the length of time the relationship has existed;
- (C) the frequency of interaction between the parties; and
- (D) the length of time since the relationship was terminated, if applicable.

13 V.S.A. § 1042 Domestic Assault

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

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

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

- (1) attempts to cause or willfully or recklessly causes serious bodily injury to a family or household member; or
- (2) uses, attempts to use, or is armed with a deadly weapon and threatens to use the deadly weapon on a family or household member; or
- (3) commits the crime of domestic assault and has been previously convicted of aggravated domestic assault.

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

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

- (1) Commits the crime of domestic assault and such conduct violates:
 - (A) specific conditions of a criminal court order in effect at the time of the offense imposed to protect that other person;
 - (B) a final abuse prevention order issued under 15 V.S.A. § 1103 or a similar order issued in another jurisdiction;
 - (C) a final order against stalking or sexual assault issued under 12 V.S.A. § 5133 or a similar order issued in another jurisdiction; or
 - (D) a final order against abuse of a vulnerable adult issued under 33 V.S.A. § 6935 or a similar order issued in another jurisdiction.
- (2) Commits the crime of domestic assault; and
 - (A) has a prior conviction within the last 10 years for violating an abuse prevention order issued under section 1030 of this title; or
 - (B) has a prior conviction for domestic assault under section 1042 of this title or a prior conviction in another jurisdiction for an offense that, if committed within the State, would constitute a violation of section 1042 of this title.
- (3) As used in this subsection:
 - (A) "Issued in another jurisdiction" means issued by a court in any other state; in a

federally recognized Indian tribe, territory, or possession of the United States; in the Commonwealth of Puerto Rico; or in the District of Columbia.

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

12 V.S.A. § 5131. Stalking is defined as follows in Vermont Statutes:

As used in Vermont's relief from stalking statute:

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

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

(2) [Repealed.]

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

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

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

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

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

(B) suffer substantial emotional distress as evidenced by:

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

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

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

(1) (A) "Course of conduct" means two or more acts over a period of time, however short, in which a person follows, monitors, surveils, threatens, or makes threats about another person, or interferes with another person's property. This definition shall apply to acts conducted by the person directly or indirectly, and by any action, method, device, or means. Constitutionally

protected activity is not included within the meaning of "course of conduct."

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

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

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

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

-End-