Sexual Harassment & Misconduct - Interim

Policy Statement

Sexual harassment and sexual misconduct (“sexual harassment and misconduct”) are strictly prohibited and will not be tolerated at the University of Vermont. Sexual misconduct includes, but is not limited to, sexual assault, relationship violence, and stalking where the conduct is based on the sex or gender of the individual subjected thereto. Sexual misconduct may also constitute sexual harassment prohibited by Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., Title VII of the Civil Rights Act of 1964, and state law.

Sexual harassment and misconduct can occur to men and women, whether gay, straight, transgender or bisexual. Any act that falls within the definition of sexual harassment, sexual misconduct, or attempted sexual harassment or misconduct, is a violation of University policy, and in many cases a crime under Vermont law. Individuals are therefore strongly encouraged to report incidents of conduct prohibited by this policy to the University’s Office of Affirmative Action and Equal Opportunity (AAEO), and to University Police Services, as appropriate, immediately following their occurrence. The length of time between an incident and making a report will not affect the willingness of the University to investigate the allegations or to provide support and other services to the individual reporting the conduct. However, a prompt report will significantly impact the ability of the University to conduct a full investigation and enhance the effectiveness of any criminal and/or University process that may result.

Sanctions for any member of the University community engaging in acts of sexual harassment or misconduct may include suspension or dismissal from the University, termination from employment, and referral for criminal investigation and prosecution under Vermont law. Additionally, retaliation against any person for reporting a violation of this Policy, providing information, participating in the investigation of any such report, or otherwise being involved in the process of responding to, investigating, or addressing allegations of sexual harassment or misconduct, is prohibited and may result in discipline up to and including separation from the University.

Reasons for the Policies

The University of Vermont is committed to creating and maintaining a community in which its members are free from all forms of harassment, exploitation, intimidation, and violence consistent with its obligations under federal and state law. The University of Vermont recognizes the long-lasting and detrimental effects of sexual harassment and misconduct on individuals, on our entire community, and on our mission to prepare UVM students to lead
productive, responsible and creative lives. University policy therefore strictly prohibits any form of sexual harassment or misconduct.

**Applicability of the Policies**

This policy applies, irrespective of whether the behavior occurs on or off-campus\(^1\), to all individuals the University employs, or otherwise awards faculty or other institutional appointments to provide educational or support services to students, as well as contractors, consultants, and temporary employees; students who have enrolled in coursework, as well as those who have indicated an intent to do the same; University-recognized organizations and affiliated entities, and their members; participants in academic, extracurricular, research, occupational training, or other programs and activities sponsored by the University or occurring on University premises.

In addition to the investigation and sanctioning processes set out in this Policy, members of the University community may also be subject to review of the same conduct for (1) violation of professional standards related to an academic program; (2) conduct standards associated with Athletics; (3) conduct standards associated with recognized student organizations; (4) Housing and Meal Plan Contract Terms and Conditions; (5) eligibility to participate in other University sponsored programs.

**Policy Elaboration**

See Procedures

**Definitions**

*Advisor:* An individual selected by either party to provide personal support throughout the reporting, investigation, and any resulting disciplinary process under this policy. Advisors may have no other role, such as a witness, in the University process, and may not speak on behalf of or otherwise represent their advisees during investigatory or sanctioning meetings. While advisors are not limited to members of the campus community, in addition to the Campus Victim’s Advocate (https://www.uvm.edu/~women/?Page=support.html&SM=capmenu.html), for students involved in sexual harassment and misconduct cases, the University has identified several faculty and staff members to serve as Sexual Misconduct Advisors (http://www.uvm.edu/~aaeo/sexualmisconduct/?Page=advisors.html), all of whom have received dedicated training on University policies and procedures, and can assist with identifying additional appropriate resources.

*Coercion:* To compel or force one to act based on pressure, harassment, threats, or intimidation.

*Complainant:* The University will serve as the named Complainant in all cases where a violation of this Policy is alleged and a determination is made that the University must proceed with an investigation, irrespective of whether the subject of alleged sexual harassment or misconduct has agreed to participate in that process.

\(^1\) Jurisdiction for conduct occurring off-campus and not in connection with a University sponsored or affiliated program or event requires a determination that the conduct may: (1) reflect adversely on the Respondent’s fitness to remain enrolled in an academic program or employed in his/her position; or (2) pose an imminent or continuing threat of harm to the safety of UVM community members.
**Consent:** Effective consent means words or actions that demonstrate to a reasonable person a knowing and voluntary agreement to engage in mutually agreed-upon, specific, sexual activity. Effective consent cannot be gained by threat, force, coercion, or intimidation, or by ignoring words or actions that indicate a lack of consent or objection to the activity. Effective consent is specific to particular sexual activity and is therefore absent when the activity in question exceeds the scope of consent given. It is the responsibility of the person who wants to engage in the sexual activity to ensure that one has effective consent from any other person involved. Silence, lack of protest, or lack of resistance are not alone sufficient to establish consent. The actions of the individuals involved and the context in which those actions occurred will be considered in determining whether or not there was consent. The existence of a dating relationship or a past sexual relationship between the persons involved is not a sufficient basis to assume consent.

Effective consent cannot be gained by taking advantage of the *incapacitation* of another where the Respondent knows or reasonably should have known of such incapacitation. Consent is present only where an individual is not incapacitated due to physical challenge, and/or helplessness or incapacitation by alcohol or other substances.

**Domestic (incl. Dating) Violence:** See Relationship Violence.

**Incapacitation:** A mental or physical state where a person is rendered temporarily or permanently incapable of making decisions for any reason or is otherwise unable to give clear consent.

- *Mental incapacitation* means that a person is temporarily or permanently incapable of appreciating or controlling their conduct or understanding the nature or consequences of their conduct. Such incapacity may be the result of the influence of a controlled or intoxicating substance. *Physical challenge and/or helplessness* resulting in incapacity to consent means a person is unconscious or physically unable to communicate consent and also includes physical incapacity or inability to resist unwanted sexual advances regardless of the cause for that inability. Lack of consent due to mental or physical incapacitation will be found where the accused individual knew or reasonably should have known of the other person’s incapacitation.

- *Consumption of alcohol or drugs* alone is insufficient to establish incapacitation. Alcohol-related incapacity results from a level of alcohol ingestion that is more severe than mere impairment, being under the influence, drunkenness, or intoxication. The question of incapacitation is determined on a case-by-case basis using both objective and subjective standards, and includes an analysis of the objective behaviors of the subject of alleged sexual harassment or misconduct and whether the Respondent knew or reasonably should have known that they were incapacitated, or if the Respondent played a role in creating the circumstances of incapacity. Whether the Respondent knew or reasonably should have known the subject of alleged sexual harassment or misconduct was incapacitated will be assessed by considering whether a reasonable sober person would have believed them to be incapacitated based on all relevant circumstances. Intoxication of the Respondent is not a defense to inability to determine the incapacity of another. The following are some objective physical indications of incapacity: slurred speech, difficulty walking or standing, vomiting, and losing consciousness.

**Preponderance of the Evidence:** The evidentiary standard used in campus investigation and disciplinary processes to determine whether or not a Respondent is responsible for a violation of
A preponderance of the evidence is found when the alleged actions are more likely to have occurred than not.

**Relationship Violence**: Attempting to cause or causing physical harm, or placing another in fear of imminent serious physical harm, when committed by a person who is or has been in a social relationship of a romantic or intimate nature with the subject of the alleged Relationship Violence, and where the existence of such a relationship shall be determined based on a consideration of the following factors:

(a) The length of time the relationship has existed and/or length of time since the relationship was terminated, if applicable;
(b) The type of relationship; and
(c) The frequency of interaction between the persons involved in the relationship.

Dating violence and domestic violence, as defined by the Violence Against Women Reauthorization Act of 2013, are types of Relationship Violence. For purposes of this Policy, Relationship Violence does not include acts that meet the definition of domestic violence under Vermont law [15 V.S.A. § 1101(2)] that are based solely on cohabitation (e.g. roommates).

**Respondent**: The individual against whom the University initiates charges under this Policy.

**Responsible Employee**: For purposes of this Policy, Responsible Employees include, but are not limited to, members of UVM Police Services and contract security personnel; a supervisor, manager or higher level employee; a chair, director or dean of an academic unit; full and part-time faculty members; personnel with oversight responsibilities for students or student employees; advisors to recognized student organizations; coaches and coaching staff; and any other University official fitting the definition of “Responsible Employee” under Title IX. Responsible Employees necessarily include individuals identified as Campus Security Authorities (“CSAs”) under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) and University policy (Campus Security Authority Operating Procedure- [http://www.uvm.edu/policies/riskmgm/campusscurity.pdf](http://www.uvm.edu/policies/riskmgm/campusscurity.pdf)). For purposes of this Policy, employees who have a legally recognized confidential relationship with the subject of alleged sexual harassment or misconduct, such as licensed providers in the Center for Health and Well Being or the Employee Assistance Program, and the Campus Victim’s Advocate, do not constitute Responsible Employees. Individuals should contact the General Counsel’s Office if they have any questions about whether they or another member of the campus community is a “Responsible Employee”.

**Retaliation**: Acts of retaliation, which are strictly prohibited by the University, may include, but are not limited to, intimidation, threats, coercion, or discrimination undertaken or attempted either directly or by someone acting on behalf of another.

**Sexual Assault**: Unwanted sexual contact forced on another through any means including, but not limited to, harm or force, threats of harm or force, intimidation, coercion, or lack of consent. Sexual assault includes but is not limited to non-consensual sexual intercourse. Sexual assault also includes other non-consensual physical contact of a sexual nature.

**Sexual Contact**: Any touching of the sexual or other intimate parts of a person, or causing such person to touch the sexual or other intimate parts of the actor, with the intent, or for the purpose
of, abusing, humiliating, harassing, degrading, or arousing or gratifying the sexual desire of either party.

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal, written, visual, or physical conduct of a sexual nature constitute sexual harassment when one or more of the following occur:

(a) submission to that conduct is made either explicitly or implicitly a term or condition of a student’s education or access to University resources, or of an individual’s employment;
(b) submission to or rejection of such conduct by an individual is used as a basis for decisions affecting that individual’s student or employment status;
(c) the conduct has the purpose or effect of substantially undermining, interfering with or detracting from an individual’s educational or work performance, access to University resources, or creating an objectively intimidating, hostile, or offensive environment.

Examples of sexual harassment may include, but are not limited to, unwelcome sexual propositions, sexually graphic comments about a person's body, unwelcome touching, patting, pinching or leering, persistent, offensive and unwelcome sexual jokes and comments, and unwelcome displays of sexually graphic pictures.

Sexual Misconduct: Any non-consensual act of a sexual nature, which may or may not involve physical contact (for example, exposure and voyeurism are forms of sexual misconduct). Sexual misconduct may vary in severity and includes a range of behaviors and attempted behaviors, including, but not limited to: relationship violence, sexual assault, and gender based stalking.

Stalking: Engaging in a course of conduct directed at a specific person based on one’s gender that would cause a reasonable person to (1) fear for one’s safety or the safety of others; or (2) suffer substantial emotional distress.

Title IX Coordinator: The individual with primary responsibility for coordinating the University’s efforts to comply with and carry out its responsibilities under Title IX, which prohibits sex discrimination in all University operations, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX.

For detailed definitions, procedures, and resources please visit UVM's dedicated Sexual Conduct and Education web site at http://www.uvm.edu/~aaeo/sexualmisconduct/.

Procedures

Inquiries and Confidential Resources

Staff members in the Office of Affirmative Action and Equal Opportunity (AAEO) are available to provide general information about sexual harassment and misconduct complaint and investigation procedures upon request. However, if an individual wishes to discuss a specific incident confidentially without filing a complaint, that individual should directly contact:
The University also has excellent working relationships with several community agencies, as detailed in the Contacts section of this Policy, that are available to provide confidential counseling and support free of charge to either party.

**Interim and Protective Measures**

Reasonable and appropriate interim and protective measures designed to eliminate the reported hostile environment and protect the parties involved may be imposed *regardless* of whether a formal investigation and/or disciplinary action is sought by the subject of alleged sexual harassment or misconduct or independently pursued by the University. In appropriate situations, interim and protective measures may include changes to campus housing, class or work schedules; rescheduling of class or work assignments and deadlines; issuance of a campus “no-contact” directive; University imposed suspension, or separation from the University.

Please contact AAEO, the Campus Victim’s Advocate (*confidential*), or the Dean of Students Office for assistance with obtaining interim or protective measures.

All individuals are encouraged to report concerns about the failure of another individual to abide by any restrictions imposed by a protective measure to UVM Police Services and AAEO. The University will take immediate and responsive action to enforce a previously implemented measure.

**Filing a Complaint**

Any individual who has been the subject of sexual harassment or misconduct by a University community member, on or off-campus, or otherwise within the course of a UVM sponsored or affiliated activity or on University property may request a criminal investigation, an internal University investigation, both, or neither, and has the right to participate in any such investigation and in any resulting disciplinary process as detailed herein.

*Individuals may contact AAEO directly to initiate an internal (non-criminal) investigation:*  

<table>
<thead>
<tr>
<th>In Person:</th>
<th>428 Waterman Building</th>
</tr>
</thead>
<tbody>
<tr>
<td>By Phone:</td>
<td>(802) 656-3368</td>
</tr>
<tr>
<td>By Email:</td>
<td><a href="mailto:TitleIX@uvm.edu">TitleIX@uvm.edu</a> or <a href="mailto:Title9@uvm.edu">Title9@uvm.edu</a></td>
</tr>
<tr>
<td>Online:</td>
<td>Bias, Discrimination &amp; Harassment Incident Reporting Form (<a href="https://publicdocs.maxient.com/reportingform.php?UnivofVermontAAE">https://publicdocs.maxient.com/reportingform.php?UnivofVermontAAE</a> O&amp;layout_id=5)</td>
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If such a disclosure is made to a Responsible Employee, the individual will be provided written information about the University’s complaint and resolution processes and invited to file a

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2 See Footnote 1.
complaint with AAEO. Responsible Employees are individuals with mandatory reporting obligations under Title IX, the Clery Act, and University non-discrimination policies, as outlined below.

In the event that a complaint is not made to AAEO for investigation, but UVM nevertheless receives actual notice and adequate documentation of the facts and outcome of an external judicial proceeding (criminal or civil) in which a UVM community member has been found guilty of, or responsible for, conduct that violates this Policy, the matter will be reviewed by AAEO in consultation with the appropriate University administrator (i.e., supervisor in the case of an employee violator or student affairs official in the case of a student violator) for determination of whether the conduct (1) reflects adversely on fitness to remain enrolled in an academic program or employed in a position at UVM; and/or (2) poses an imminent or continuing threat of harm to the safety of UVM community members. The University will implement any action deemed appropriate following that review.

To initiate a criminal investigation, individuals should contact UVM Police Services:

In Person: 284 East Avenue, Burlington
By Phone: (802) 656-3473
Online: Report a Crime Form (http://www.uvm.edu/police/?Page=reportcrime/index.php)

Note, except in cases of emergency or an imminent or continuing threat of harm, the University must respect the decision of an individual not to report an incident to law enforcement, unless otherwise required by law.

If you would like assistance contacting law enforcement to file a criminal complaint, the Campus Victim’s Advocate, Title IX Coordinator, Title IX Deputy Coordinators, and Dean of Students are available and trained to help.

Mandatory Reporting by Responsible Employees

Call 9-1-1 immediately if a crime or other emergency is in progress, or if there is an imminent or continuing threat of harm to persons or property.

In all other cases, upon receipt of information that an incident of sexual harassment or misconduct occurred involving members of the University community, the Responsible Employee MUST:

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3 Vermont law requires that certain professionals report to the Vermont Department for Children and Families (DCF) any incident arising as to which there is reasonable cause to believe a minor has been sexually abused or neglected. In addition, to protect optimally the safety of minors who are participating in University programs and activities, the University requires any employee who has reasonable cause to believe that a minor participating in such program or activity has been sexually abused or neglected to report the concern promptly to DCF and UVM Police Services. You need not have proof that abuse or neglect has occurred. Any uncertainty in deciding whether to report suspected abuse or neglect should be resolved in favor of making a good faith report. Please see the Minors; Reporting Abuse or Neglect of and Crime University Operating Procedure at http://www.uvm.edu/policies/general_html/abuse_minors.pdf.

4 Responsible Employees/CSAs must also report information about any incident of sexual assault, stalking, and relationship violence that occurred on University property or property owned or controlled by the University, regardless of whether members of the University community are involved. Those obligations are detailed in the
1. **Send an email** with all information the individual knows (including names of the reporting party, alleged Respondent, subject of the conduct, and witnesses, if known, location, and description of the incident) to the Title IX Coordinator in AAEO and Campus Victim’s Advocate simultaneously at TitleIX@uvm.edu or Title9@uvm.edu, to facilitate appropriate support and institutional response; **and**

2. **Fill out a CSA form** at www.uvm.edu/police/csa in accordance with the University’s Campus Security Authority (CSA) Operating Procedure (http://www.uvm.edu/policies/riskmgm/campussecurity.pdf).

   *The name of the alleged victim(s) should not be included unless:*  
   - Disclosure is required by law (e.g. abuse or neglect of minors);
   - The incident presents an “imminent threat of harm”, as detailed in Step 1;
   - The incident recently occurred and constitutes relationship violence or stalking\(^5\); or
   - The CSA/Responsible Employee is given permission to do so.

3. **Make the individual with whom they are in contact aware of their option to report the incident to local law enforcement** (UVM Police Services: 284 East Avenue; 656-3473) and that UVM makes confidential and non-confidential resources available to the campus community that may be helpful to individuals who have experienced or witnessed an alleged crime, or other incident violating this Policy, as detailed in the Contacts section of this Policy.

   *Non-affiliated persons and members of the University community who are not Responsible Employees are strongly urged* to notify Police Services, the Campus Victim’s Advocate, and the Office of Affirmative Action and Equal Opportunity when they receive information that incidents of sexual harassment or misconduct prohibited by this Policy have occurred.

**Requests for Confidentiality**

If the subject of alleged sexual harassment or misconduct does not want to participate in an investigation, or expresses a desire to AAEO for their identity to be kept confidential, the University will seek to honor that request, but reserves the right to investigate and/or take other appropriate action as may be necessary to protect the safety of both parties and the campus community. The decision as to whether the University will proceed with an investigation or pursue other appropriate action under these circumstances ultimately rests with the University’s Executive Director for Human Resource Operations and Affirmative Action, who serves as the University’s Title IX Coordinator.

*To learn more about UVM investigation practices and protocols, including the University’s commitment to complete investigations within a reasonably prompt timeframe and the ability of participants to be accompanied by an advisor of their choice, please see the Office of Affirmative Action and Equal Opportunity’s Procedural Guidelines for Investigating and Resolving Discrimination Complaints at* http://www.uvm.edu/~aaeo/pdf/discrimination.pdf.

\(^5\) Based on research and experience, the University presumes as a matter of policy that recent incidents of relationship violence and stalking constitute a continuing threat of harm to the individual and the greater campus community, thereby requiring notification of UVM Police Services, including names of the individuals involved.
Disciplinary Process

When an internal investigation is requested, or otherwise initiated by the University, AAEO will conduct a thorough, prompt, and impartial investigation and generate a report which includes a determination of whether or not the Respondent violated this and/or other related University policies. The determination of a policy violation will be made based on a preponderance of the evidence.

If the Respondent is a Student6 and:

- **Is Found Responsible:** AAEO will forward its report to both the Respondent and the subject of the alleged sexual harassment or misconduct (collectively the “parties”), as well as the University’s specially-trained Sexual Harassment & Misconduct Sanctioning Panel, which is coordinated by the Center for Student Ethics and Standards. Three (3) Panel members will be appointed for a given case to determine the appropriate sanction(s), the full range of which are detailed in the University’s Sexual Harassment and Misconduct Sanctioning Panel Procedures at http://www.uvm.edu/cses/?Page=SanctioningProcedures.html&SM=menu-student.html. To the extent permitted by law, both parties will be informed, simultaneously and in writing, of the Panel’s sanctioning determination.

Either party may appeal the final AAEO decision and/or any resulting sanction(s) imposed by the Sanctioning Panel. Appeals must be submitted to the Dean of Students, or designee, in writing, within five (5) business days of the Panel’s final determination. The decision may be appealed for the following reasons only:

1) a procedural error unfairly and materially affected the outcome of the case;
2) evidence has been discovered that was not reasonably available at the time of the investigation or sanctioning determination; or
3) there was a clear abuse of discretion on the part of the Investigator or Sanctioning Panel.

When submitting an appeal, the appealing party must provide a rationale for the appeal, and adequate information, including documentation, in support thereof. If an acceptable basis for appeal is stated, the Dean of Students, or designee, shall then provide a copy of the written appeal and any supporting documentation to the other party. The other party may submit a written response on the appeal to the Dean of Students, or designee, within five (5) business days of the date the appeal was sent to that party. A copy of this response, if any, will be sent to the appealing party from the Dean of Students or designee. After review of all submitted materials, and the pertinent case documents, the Dean of Students or designee will render a written decision and issue a copy to both parties, in accordance with federal law. The appeal decision may uphold, modify, or overturn the original investigative and/or sanctioning decision, or, in appropriate cases, refer the matter back to AAEO.

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6 If a student Respondent withdraws from the University before a matter is fully resolved, the University will proceed in accordance with the terms of this Policy and accompanying procedures. The Respondent will be provided all notice and communication at the contact information provided upon withdrawal.
- **No policy violation is found following investigation:** AAEO will forward its report to both parties and the Dean of Students. The investigator’s conclusion that no policy violation occurred may be appealed by both the subject of the alleged sexual harassment or misconduct and the Respondent. Appeals must be submitted to the Dean of Students, or designee, in writing, within five (5) business days of the Report’s issuance, as detailed in the above section: “If the Respondent is a student and is found responsible”.

- **Additionally, if the Respondent is a student in a program with established professional standards, such as in the College of Medicine or College of Nursing and Health Sciences:** At the conclusion of the applicable appeal period outlined above, the Dean of Students shall send a copy of the case file, including investigation report, Sanctioning Panel decision letter, and any appeal/appeal determination to the program’s applicable Dean or Director for student services. While the decision of AAEO, the Sanctioning Panel, and the Appellate Official shall be considered final following expiration of the applicable appeal period, the Respondent’s program may also, in its discretion, review conduct under the program’s established professional standards to determine whether any additional action is needed.

**If the Respondent is an Employee and:**

- **AAEO has concluded its investigation:** AAEO will forward its report to the Respondent and the subject of the alleged sexual harassment or misconduct (collectively the “parties”), as well as notify the Vice President for Human Resources, Diversity, and Multicultural Affairs (“VP HRDMA”).

Either party may appeal the investigator’s conclusion that a policy violation did or did not occur to the VP HRDMA, in writing, within five (5) business days of the Report’s issuance. The decision may be appealed for the following reasons only:

1) a procedural error unfairly and materially affected the outcome of the case;
2) evidence has been discovered that was not reasonably available at the time of the investigation or sanctioning determination; or
3) there was a clear abuse of discretion on the part of the AAEO Investigator.

When submitting an appeal, the appealing party must provide a rationale for the appeal and adequate information, including documentation, in support thereof. If an acceptable basis for appeal is stated, the VP HRDMA, or designee, shall then provide a copy of the written appeal and any supporting documentation to the other party. The other party may submit a written response to the appeal to the VP HRDMA, or designee, within five (5) business days of the date the appeal was sent to that party. A copy of this response will be sent to the appealing party by the VP HRDMA. After review of all submitted materials, and the pertinent case documents, the VP HRDMA or designee will render a written decision and issue a copy to both parties, in accordance with federal law. The appeal decision may uphold, modify, or overturn the original investigative decision, or, in appropriate cases, refer the matter back to AAEO.

- **The investigation’s appeal period has expired, or an appeal decision has been rendered by the VP HRDMA (if applicable):** AAEO shall send a copy of the case file, including investigation report and any appeal/appeal determination, to the administrative official immediately responsible for the Respondent’s supervision, and to the appropriate Vice
President, Dean or Director for the unit or college in which the Respondent works. The immediate administrative official shall determine any appropriate discipline in accordance with applicable University practices, policies, and collective bargaining agreements, including applicable grievance procedures, as detailed at http://www.uvm.edu/hrs/?Page=info/general/handbooksandpolicies.html&SM=info/informationmenu.html.

The Executive Director of Human Resource Operations and Affirmative Action must also notify the subject of the alleged sexual harassment or misconduct of the final outcome of that disciplinary process in accordance with federal law.

**If the Respondent is a Non-Affiliate:**

In cases where the Respondent is not affiliated with the University through academic enrollment, employment, or other affiliation, the University’s ability to take direct action against that individual may be limited. However, the University is committed to conducting an inquiry into what occurred, and taking steps to provide appropriate remedies and support, as appropriate.

**If the Subject of Alleged Sexual Harassment or Misconduct is a Non-Affiliate:**

To the extent that a non-affiliate discloses that they have been the subject of sexual harassment or misconduct by a University community member to AAEO, and the University determines that it has jurisdiction to initiate charges under this Policy, the non-affiliate will be provided notice of the final outcome of any investigation and resultant disciplinary process, in accordance with federal law.

**Investigation and Disciplinary Records**

Investigation records for cases involving student respondents are maintained by AAEO. Sanctioning records of the same are jointly maintained by AAEO and the Center for Student Ethics and Standards. Records of dismissal from the University are permanent. Records of all other sanctions imposed under this Policy will be sealed upon the student's graduation, or, in the case of a student who has voluntarily withdrawn from the University, after two consecutive years of withdrawal. When a student receives a sanction of suspension, their records will be sealed upon the earlier of either graduation or four consecutive years of absence from the University.

Investigation records for cases involving employee respondents are maintained by AAEO. Sanctioning records of the same are maintained in accordance with the terms of applicable University practices, policies, and collective bargaining agreements, as detailed at http://www.uvm.edu/hrs/?Page=info/general/handbooksandpolicies.html&SM=info/informationmenu.html.

**Forms**

Bias, Discrimination, and Harassment Reporting Form
CSA Report Form
www.uvm.edu/police/csa
Report a Crime Link
http://www.uvm.edu/~police/?Page=reportcrime/index.php
Contacts

To report an incident of Sexual Harassment or Misconduct, please contact the Office of Affirmative Action and Equal Opportunity at (802) 656-3368 (428 Waterman Building), or send an email with all information that you are aware of to TitleIX@uvm.edu or Title9@uvm.edu.

For questions related to the daily operational interpretation of this policy, please contact:

**Title IX Coordinators**

The following individuals are the Title IX Coordinators for the University, and will respond to questions or inquiries about this and other policies related to sexual harassment and misconduct:

Title IX Coordinator (802) 656-3368
Jes Kraus
Executive Director, Human Resource Services and Affirmative Action
428 Waterman Building

Deputy Title IX Coordinator, Students (802) 656-3380
Annie Stevens
Vice Provost for Student Affairs
Nicholson House

Deputy Title IX Coordinator, Athletics (802) 656-3075
Jeff Schulman
Senior Associate Director of Athletics
Patrick Gym 145

The Vice President for Human Resources, Diversity and Multicultural Affairs is the official responsible for the interpretation and administration of this policy.

**Other Campus and Community Resources**

UVM Police Services (802) 656-3473 or 911(for emergencies)

Chittenden Unit for Special Investigations (CUSI) (802) 652-6800

UVM Medical Center Emergency Department (*confidential*) (802) 847-2434
*including SANEs – Sexual Assault Nurse Examiners

Dean of Students Office (802) 656-3380

Campus Victim’s Advocate (*confidential*) (802) 656-7892 or (802) 656-9538 (direct)

UVM Counseling & Psychiatry Services (*confidential*) (802) 656-3340

Student Health Center (*confidential*) (802) 656-3350
24-hour free and confidential community services are also available in the greater Burlington community for individuals who have experienced sexual harassment, sexual violence, relationship violence, or gender-based stalking:

- **H.O.P.E. Works (formerly the Women’s Rape Crisis Center)**
  - (802) 863-1236 or (800) 489-7273
- **Women Helping Battered Women**
  - (802) 658-1996
- **SafeSpace (LGBTQA Survivors)**
  - (802) 863-0003 or (866) 869-7341

Persons seeking assistance or information regarding their rights with respect to sexual harassment and/or misconduct claims may also contact a private lawyer, at their own expense. Names and telephone numbers of lawyers may be obtained from the Vermont Bar Association Lawyer Referral Service at 1-800-639-7036. Additionally, Student Legal Services (SLS) is a student-run organization, funded by the Student Government Association, which aids students in locating counsel to provide representation. SLS can be contacted at (802) 656-4379.

*Please visit UVM’s dedicated Sexual Conduct and Education website for more information at [http://www.uvm.edu/~aaeo/sexualmisconduct/](http://www.uvm.edu/~aaeo/sexualmisconduct/).*

**Additional Public Agencies Enforcing Federal and State Laws Prohibiting Sexual Harassment and Misconduct**

**US Department of Education**

Individuals seeking further information or guidance on the application of Title IX to the University and the behaviors outlined in this Policy may also contact the Office for Civil Rights of the U.S. Department of Education (OCR). Individuals who believe their rights under Title IX have been violated may file a complaint with OCR’s Boston Office (serving Vermont) or National Headquarters:

- US Department of Education
  - Office for Civil Rights - Boston Office
  - 8th Floor
  - 5 Post Office Square
  - Boston, MA 02109-3921
  - Telephone: (617) 289-0111
  - Email: OCR.Boston@ed.gov

- U.S. Department of Education
  - Office of Civil Rights
  - Lyndon Baines Johnson Dept. of Ed. Bldg.
  - 400 Maryland Avenue, SW
  - Washington, DC 20202-1100
  - Telephone: (800) 421-3481
  - Email: OCR@ed.gov

**U.S. Equal Employment Opportunity Commission**

Employees seeking further information or guidance on the application of Title VII to the University and the behaviors outlined in this Policy may also contact the U.S. Equal Employment Opportunity Commission. Employees who believe their rights under Title VII have been violated may file a complaint with either the EEOC’s Boston Office (serving Vermont) or National Headquarters:
Vermont Attorney General’s Office, Public Protection Division
Employees may also contact the Vermont Attorney General’s Office to request an investigation of sexual harassment or retaliation:

Vermont Attorney General’s Office
Public Protection Division
109 State Street
Montpelier, VT 05609-1001

Website: [http://www.atg.state.vt.us/](http://www.atg.state.vt.us/)
Telephone: (888) 745-9195; (802) 828-3657

Vermont Human Rights Commission
Students may also contact the Vermont Human Rights Commission to request an investigation of sexual harassment or retaliation:

Vermont Human Rights Commission
14-16 Baldwin Street
Montpelier, VT 05633-6301

Website: [http://hrc.vermont.gov/](http://hrc.vermont.gov/)
Telephone: (800) 416-2010

Related Documents/Policies

AAEO Procedural Guidelines for Investigating and Resolving Discrimination Complaints

Annual Security Report and Crime Statistics (Clery Act)

Campus Safety and Security: Clery Act Policy
[http://www.uvm.edu/policies/riskmgm/clery.pdf](http://www.uvm.edu/policies/riskmgm/clery.pdf)

Campus Security Authorities (CSA) University Operating Procedure
[http://www.uvm.edu/policies/riskmgm/campussecurity.pdf](http://www.uvm.edu/policies/riskmgm/campussecurity.pdf)

Minors; Protection on Campus Policy

Minors; Reporting of Abuse and Neglect of and Crimes Procedure
Sexual Harassment and Misconduct Sanctioning Panel Procedures


**Effective Date**

Approved by the President September 10, 2015