

PUBLIC SAFETY AT THE UNIVERSITY OF VERMONT

A guide for current and prospective students and employees
prepared in compliance with the Jeanne Clery Disclosure of
Campus Security Policy & Crime Statistics Act

Issued September 29, 2021

2020 Annual Fire Safety Report for Student Housing at UVM:

<http://www.uvm.edu/police/reports/clery/fire-safety-report.pdf>

TABLE OF CONTENTS

TABLE OF CONTENTS	1
INTRODUCTION TO THE CLERY ACT & STATEMENT OF COMPLIANCE	3
OVERVIEW OF UVM POLICE SERVICES	4
Department Summary.....	4
Mission, Values, Vision, & Diversity Statement	4
Professional Standards	5
REPORTING CRIMES & OTHER INCIDENTS	6
Reporting Procedures & Protocols at UVM	6
Reporting an Emergency Situation	6
Reporting a Crime or Incident Anonymously	6
Reporting Crime Occurring at Non-Campus Locations	7
Reporting Abuse and Neglect of Minors & Vulnerable Adults	8
Orders of Protection, “No-Contact” Orders, and “No-Trespass” Notices	8
Policy Listing	9
OFFENSES OF DISCRIMINATION, HARASSMENT, AND SEXUAL MISCONDUCT	10
Policy Statement.....	10
Definitions.....	10
Reporting Incidents of Discrimination, Harassment, And Sexual Misconduct	14
AAEO Intake, Investigation, And Resolution	17
Hearing & Sanctioning Procedures for Title IX Offenses.....	25
Sanctioning Procedures for Non-Title IX Cases of Discrimination, Harassment, and Sexual Misconduct: Student Cases	28
Sanctioning Procedures for Non-Title IX Cases of Discrimination, Harassment, and Sexual Misconduct: Employee Cases	29
Policy Listing	30
DRUG AND ALCOHOL OFFENSES	31
Policy Statements & Drug Free Campus Designation	31
Drug and Alcohol Abuse Education Programming	32
Policy Listing.....	33
Health Risks, Treatment, & Support Services	33
WEAPONS OFFENSES.....	35
Policy Statement & Police Notification.....	35
MISSING STUDENTS	36
Policy Statement & Police Notification.....	36
Confidential Missing Student Contact.....	36
Designation of Missing Student Contact	36
CAMPUS SECURITY AUTHORITIES (“UVM REPORTERS”).....	37
Overview & Statement of Compliance.....	37
Identification of UVM Reporters	37
Exemptions from UVM Reporter Status	37
Campus Victim’s Advocacy Services	38
Reporting Protocol for UVM Reporters	38
UNIVERSITY CODES OF CONDUCT & DISCIPLINARY PROCESSES	40
Policy Statement & Introduction	40
Code of Student Conduct	40
Larner College of Medicine Fitness Committee	40
Other College and Department Student Handbooks	41
Student Athlete Handbook and Code of Conduct.....	41
Employee Code of Conduct	41
INSTITUTIONAL EMERGENCY RESPONSE	42
Policy Statement & Introduction	42
Emergency Management and Readiness.....	42
CatAlert System, Warnings, & Notifications	43

CatAlert Registration.....	45
Emergency Policies Listing	48
COMMUNITY AND SUPPORT RESOURCES.....	49
On Campus Support Resources & Services Listing.....	49
Burlington Community-Based Support Resources & Services Listing	51
Additional Resources & Support Services Related to Sexual Misconduct.....	52
CRIME AWARENESS AT UVM.....	53
Crime Awareness	53
CRIME PREVENTION AND EDUCATION AT UVM	54
Maintenance of Campus Grounds and Facilities	54
LiveSafe App.....	54
Bystander Intervention – Stepping Up to Prevent Crime	55
Risk Reduction – Safe & Positive Ways to Reduce Risk	56
Programming, Education, and Services	58
PREPARING AND DISTRIBUTING THE ANNUAL CRIME REPORT	64
ANNUAL CRIME STATISTICS: 2018 – 2020	65
Understanding Clery Crime Statistics	65
Primary Crime Statistics: 2018 – 2020.....	70
Violence Against Women Act (VAWA) Offense Statistics: 2018 – 2020.....	71
Weapon, Drug, and Liquor Law Violation Statistics: 2018 – 2020	71
Statistical Table Caveats.....	72
Hate Crime Statistics: 2018 – 2020	72
Unfounded Crime Statistics: 2018 – 2020	73
APPENDIX A: Violence Against Women Reauthorization Act of 2013 Definitions.....	74
APPENDIX B: Vermont Criminal Statute Definitions.....	75

INTRODUCTION TO THE CLERY ACT & STATEMENT OF COMPLIANCE

In 1990, Congress passed “The Crime Awareness and Campus Security Act,” requiring colleges and universities to collect and publish crime statistics and other public safety information. The Act was passed in response to the rape and murder of Jeanne Clery, a Lehigh University freshman, in her residence hall in 1986. Jeanne’s murder was one of 38 violent crimes recorded at Lehigh in three years, but at the time there were no federal laws requiring colleges to report or disclose crimes on campus to students, employees, potential students or their parents. Her family was unaware of crimes that had occurred at Lehigh.

In 1991, the Act was renamed in honor of Ms. Clery: “The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act,” or, in short form, the “Clery Act.” The Clery Act was meant to ensure public disclosure of crimes on college campuses, to help students and employees protect themselves from campus crime, and to assist prospective students and employees with considering public safety when choosing a college or university. Over the years, the Clery Act has been amended, most recently by the Violence Against Women Reauthorization Act of 2013, which expanded reporting and prevention requirements for certain sex crimes.

To promote safety and security at the University of Vermont, and in compliance with the Clery Act, UVM has adopted a Campus Safety and Security: Clery Act Policy, which is available at <http://www.uvm.edu/policies/riskmgm/clery.pdf>. In pertinent part, as detailed in the Policy, the University annually:

1. **Submits crime statistics to the United States Department of Education.** Each year, the University submits crime statistics for Clery Act crimes by type, location and year to the U.S. Department of Education.
2. **Maintains a [daily crime log](#)** of alleged criminal incidents that is open to public inspection. (*see page 53*).
3. **Issues campus alerts.** The University of Vermont issues a [timely warning](#) to the University community when there is information that a Clery crime has occurred that represents a serious or ongoing threat to campus safety. (*see page 44*).
4. **Issues emergency notifications.** The University issues an [emergency notification](#) upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. The University tests the emergency notification procedure bi-annually. (*see page 44*).
5. **Publishes and maintains an Annual Security Report** containing safety and security related policy statements and statistics of Clery Act crimes occurring on University property, adjacent property, and non-University property owned or controlled by the University. To prepare the Annual Security Report, the University collects, classifies, and counts crime reports and crime statistics. The Annual Security Report is distributed annually to all students and employees of the University, and is available to prospective employees through Human Resource Services and to prospective students through the Office of Admissions. A hard copy of the Annual Security Report may be obtained through University Police Services at (802) 656-2027.
6. **Maintains and enforces a [missing student](#) policy and notification procedure.** (*see page 36*).
7. **Compiles and submits fire statistics by type and location to the United States Department of Education.** Each year the University submits fire statistics by location and year to the U.S. Department of Education. The University maintains a [daily fire log](#) that is open to public inspection and generates an Annual Fire Report containing fire safety policy statements and statistics (<http://www.uvm.edu/police/reports/clery/fire-safety-report.pdf>).

OVERVIEW OF UVM POLICE SERVICES

DEPARTMENT SUMMARY

The Department of Police Services provides comprehensive law enforcement and security services to all components of the University of Vermont and State Agricultural College. The Department has 38 authorized positions including 23 State certified Sworn Police Officers, 4 non-commissioned Service Officers, 6 dispatchers, and 3 administrative support personnel. Police Officers must successfully complete the basic training program for full-time police professionals as prescribed by the Vermont Criminal Justice Training Council. On-duty 24 hours/day, 7 days/week, Police Services performs public safety, law enforcement and service functions. UVM Police Services is a [CALEA accredited](#) law enforcement agency (*Commission on Accreditation for Law Enforcement Agencies*).

UVM Police Officers have full statewide law enforcement authority as enacted by the General Assembly of the State of Vermont in Title 16 VSA § 2283, with primary patrol jurisdiction over all property and landholdings of the University located in Burlington, Vermont. This area is commonly referred to as the University's core or main campus, and also corresponds to the University's "Campus Property" as defined by the Clery Act. In addition, UVM Police Services regularly assists area law enforcement agencies upon request at locations not considered Campus Property. Towards that end, Police Services has excellent working relationships with other area law enforcement agencies, to include a county MOU phased response plan with every Chittenden County police agency; including, but not limited to, the City of Burlington Police Department; City of South Burlington Police Department; City of Winooski Police Department; Chittenden County Sheriff's Department; Vermont State Police; the local field office of the Federal Bureau of Investigation (FBI); and various other state and federal law enforcement agencies. Additionally, UVM Police Services has task force agreements with the U.S. Marshall's Service, the Chittenden Unit for Special Investigations (CUSI), and intermittent assignment to the Drug Enforcement Administration (DEA). UVM Police's working relationships with other agencies include task force participation, joint noise initiatives, and regular interactions assisting and receiving assistance on cases, as requested. These relationships are maintained through periodic communication among agency administrators and mutual aid standard response protocols, in addition to frequent contact between front-line officers and investigators cooperating on specific cases. These strong working relationships are evidenced by the hundreds of police agency assists performed by UVM Police every year.

As a participant in the State of Vermont's telecommunications and information systems, UVM Police Services has sophisticated communications and computer systems to provide for rapid communication with the National Crime Information Center (NCIC), as well as local and state agencies in times of emergency. In fact, Police Services operates the only non-state run E-911 Call Center in accordance with VT E-911 Board policies.

Essential to the goal of maintaining a safe campus is providing courteous and efficient service to the entire UVM community. If you have questions regarding Police Services, or comments or suggestions about their services, please contact UVM Police at (802) 656-3473. You may wish to also visit the department's website at <http://www.uvm.edu/police>. The site includes detailed information about the department, services offered, and open data releases about roadside traffic stops made by UVM Police officers.

MISSION, VALUES, VISION, & DIVERSITY STATEMENT

The members of UVM Police Services are proud to serve our diverse community through the use of partnerships, law enforcement, and public education to enhance safety. We will demonstrate our commitment to this mission by modeling the values of Respect, Integrity, Service, and Pride in all our professional interactions. Our vision is one in which we will be leaders in the community and the profession in integrated, contemporary, and innovative policing strategies to mitigate crime and increase public safety.

The UVM Department of Police Services recognizes that diversity exists as a driving force in our interactions with people and institutions in the University community. We recognize as well that our authority, and ultimately our institutional

existence, is predicated upon the people in our community. In order to provide the highest quality of police service, we must be committed to the recognition and reflection of that diversity, and incorporate its realities into our strategic planning and our day to day operations. Moreover, Police Services is committed to the belief that there is an intrinsic worth in all people, an irreducible quality whose protection and benefit is the basis for police service. We believe that the recognition of diversity is no less than the recognition of this worth. A commitment to honor the rights and provide for the needs of all people equally is our expression of this recognition.

PROFESSIONAL STANDARDS

Police Services' relationship with our community ensures that we provide excellent service. This relationship is vital to achieving our overall mission of safety, security, and education. All members of the University community can expect to be treated in a courteous and professional manner. Police Services does not tolerate an employee who acts unprofessionally, or who does not provide an appropriate level of service.

We also wish to recognize instances where our staff have been especially helpful or have exceeded your expectations in the service they provided. To this end, the quality of our service is dependent in part on feedback from our community. We have an extensive professional standards policy in place to respond to citizen praise, complaints, and concerns. The Department has various ways in which we are able to recognize outstanding performance by our employees.

Please help us improve our Department by bringing both your complaints and compliments to the attention of **any** of the following individuals in a timely manner:

1. Request the on-duty supervisor by calling (802) 656-3473
2. During business hours, contact the Chief at (802) 656-2027
3. Address written correspondence to:
Chief of Police
UVM Police Services
284 East Ave
Burlington, VT 05405
4. Submitting an online Citizen's Feedback Form at: <https://www.uvm.edu/police/forms/citizens-feedback>

REPORTING CRIMES & OTHER INCIDENTS

In the event of an emergency, always call 911

REPORTING PROCEDURES & PROTOCOLS AT UVM

It is an essential goal of the University of Vermont to promote and to seek to provide a safe learning, living, working, and campus environment for its community members and visitors. Threats or acts of violence involving persons or property are therefore prohibited and constitute cause for removal from campus, discipline through appropriate channels, and/or civil or criminal prosecution. The University's full policy on Personal Safety and Security can be found at http://www.uvm.edu/policies/general_html/personalsafety.pdf.

The official channel for reporting criminal offenses and public safety related incidents that occur at UVM is the Department of Police Services (802-656-3473). Reporting incidents to UVM Police Services will aid in providing timely warning and emergency notices, as applicable, to the community, aid in any investigation of criminal conduct, and will ensure that required incidents are included in the University's annual disclosure of [crime statistics](#) (see page *Error! Bookmark not defined.*). The University of Vermont strongly promotes the prompt reporting of all incidents, including criminal activity, missing persons, and other safety concerns, to the appropriate police agency.

There are a number of ways to file a report with UVM Police Services. Ways to report, including instructions for reporting an incident anonymously, are outlined in this section. Specific information about reporting discrimination, harassment, sexual misconduct, and bias incidents for administrative (non-criminal) review is described in the OFFENSES OF DISCRIMINATION, HARASSMENT, AND SEXUAL MISCONDUCT section of this report.

REPORTING AN EMERGENCY SITUATION

IN A POSSIBLE OR ACTUAL EMERGENCY SITUATION, all University employees, including administrators, faculty, and staff, must immediately report threats or acts of violence to UVM Police Services. Students are also strongly encouraged to make such reports. This can be done in several ways:

Call 911 from a personal or cellular phone. Calls placed from a cellular phone are answered by a Vermont 911 Call Center and forwarded to Police Services. Police Services protocols require an **immediate response to emergency calls**. UVM Police works closely with the full range of City and County emergency resources to assure a complete and timely response to all emergency calls.

Call 911 from a campus phone or blue-light call box. Calling 911 from a campus phone or blue-light call box will connect you directly with the UVM Police Services emergency switchboard, 24 hours a day, 7 days/week. Priority response is given to crimes against persons and personal injuries.

Call UVM Police Services' Dispatch directly at 802-656-3473. UVM Police Services will respond as quickly and safely as possible to any request for assistance, whether it is an emergency or not. Response time is based on current activity and severity of the call. Crimes in progress, alarms, traffic accidents with injuries, and medical assists have a higher priority than other types of calls. University Police and Service officers in vehicles or on foot are eager to be of assistance and may be contacted directly.

REPORTING A CRIME OR INCIDENT ANONYMOUSLY

IN A NON-EMERGENCY (NOT IN PROGRESS) SITUATION ONLY, members of the campus community may choose to report crimes, suspicious activity/persons, and criminal activity to Police Services anonymously through one of the following forums:

- **LiveSafe App:** UVM Affiliates can report crimes to UVM Police anonymously using LiveSafe, a mobile two-way communications platform. LiveSafe can be downloaded using the instructions available on the [UVM Police website](#), or in your app store of choice.
- **The Silent Witness program** is a tool on the Police Services Website which allows for the transmission of information anonymously, as it removes the sender's identifying information before it transmits the tip via email. If the reporting party is willing to be contacted by an officer, they have the opportunity to provide the necessary contact information before submitting, it is the individual's choice. Simply select the option to submit the report anonymously before clicking "Submit." Access the web form directly at <https://www.uvm.edu/police/forms/report-crime>.
- Police Services also works with **Champlain Valley Crimestoppers** (802-864-6666 or toll-free at 800-472-8477). Crimestoppers is a donation-sponsored partnership between the local community, the media, and law enforcement. Its mission is to get the public involved to prevent and solve crimes. Rewards are paid for tips that lead to the arrest and indictment of people charged with crimes.
- In appropriate situations, you may also choose to make a disclosure to a **UVM Reporter**, who can assist you in filing an anonymous crime report for statistical inclusion in this report, as well as direct you to available campus and community resources. UVM Reporters include Campus Security Authorities as defined by the Clery Act and others designated by University Policy to have required reporting responsibilities. Some examples of UVM Reporters are the Dean of Students (802-656-3380) and the Director of Affirmative Action and Equal Opportunity (AAEO), who also serves as the University's Title IX Coordinator (802-656-3368). More information about UVM Reporters and Campus Security Authorities, including their full reporting obligations and procedures, are described in the section headed CAMPUS SECURITY AUTHORITIES ("UVM REPORTERS") *page 37*.

If you are the victim of a crime and do not want to pursue action within the Criminal Justice System or the University's campus discipline process, you may still consider making an anonymous report to UVM Police Services as outlined above. This type of report enables you to keep your identity confidential while taking steps to ensure the future safety of yourself and others. With information from anonymous reports, the University can more accurately track the number of criminal incidents occurring on or near campus, identify patterns of crime with regard to particular locations, methods, or assailants, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution (see page 65). Beyond the anonymous reporting options described above, UVM Police Services is not a confidential resource. Individuals who wish to make a confidential report are encouraged to use the above anonymous options, and/or to seek assistance from a confidential resource (*see page 49*), who can assist in filing an anonymous report with UVM Police Services while keeping your identity confidential.

Please understand that an anonymous report of a crime makes it very difficult to provide you or others similarly affected with many forms of recourse. Providing as much information as possible upon initial report will enable you to change your mind should you decide in the future to seek University and/or Criminal Justice System involvement.

REPORTING CRIME OCCURRING AT NON-CAMPUS LOCATIONS

UVM Police Services is responsible for investigating all criminal matters at University-owned facilities located within a reasonable distance from the main campus. Matters occurring at properties more distant from the main campus are handled either entirely by the local police agency with jurisdiction (i.e., city police, state police, etc.) or jointly handled by said agencies in conjunction with UVM Police Services. Non-campus property owned or controlled by University recognized student organizations, such as Greek organizations, is private property and is policed by the municipality in which the property resides. UVM Police Services may assist those agencies as requested, and monitors this non-campus activity through shared police databases.

Although UVM Police Services does not have primary jurisdiction for crimes that occur on non-University property, it can and does request and record this data from appropriate authorities as required by the Clery Act, including crimes that occur on non-campus property owned or controlled by recognized student organizations. Specifically, UVM Police Services requests crime

statistics on an annual basis from the appropriate police agencies for any non-campus locations owned or controlled for educational purposes by the University or recognized student organizations; for calendar year 2020, many, but not all, agencies responded to this request. Crime statistics for non-campus locations that were reported to UVM Police by other agencies are included in the totals in the statistical tables at the end of this report.

In general, prospective students, employees, and visitors to UVM should know that, as with any campus, there is crime both on and off-campus and that it is important to take reasonable precautions at all times. **To report potential criminal activity or request police assistance on or around UVM campus or other University property, contact UVM Police Services at 802-656-3473. Police Services can also assist any member of the community in determining an appropriate point of contact for police matters outside of UVM Police Services' jurisdiction; contact Police Services at (802) 656-3473 for assistance.**

REPORTING ABUSE AND NEGLECT OF MINORS & VULNERABLE ADULTS

Vermont law requires that certain professionals listed in 33 V.S.A. § 4913 report any incident in which there is reasonable cause to believe a minor has been abused or neglected to the Vermont Department for Children and Families (DCF) within 24 hours by calling the DCF Child Abuse Hotline at 1-800-649-5285. Vermont law further requires that certain professionals listed in 33 V.S.A. § 6903 report any incident in which there is reasonable cause to believe a vulnerable adult has been abused, neglected, or exploited to the Vermont Department of Disability, Aging, and Independent Living within 48 hours by calling the Abuse Reporting Hotline at 1-800-564-1612.

In addition, as a matter of policy and to optimally protect the safety of minors and vulnerable adults who are participating in UVM Programs and Activities, the University requires any employee who has reasonable cause to believe that a minor or vulnerable adult participating in a UVM Program or Activity is currently being abused or neglected, or has otherwise been abused or neglected while participating in a UVM Program or Activity, to promptly report the misconduct. To file such a report, an employee must promptly advise their supervisor of the possible abuse or neglect (assuming that there is no reason to believe that the supervisor is involved in the possible abuse or neglect, in which case the employee makes the report to the supervisor's supervisor), and notify DCF (Child Abuse Hotline: 1-800-649-5285) or the Department of Disability, Aging, and Independent Living (Abuse Reporting Hotline: 1-800-564-1612), as applicable. **The supervisor *must* also promptly make a report to Police Services** (Emergency: 911; Non-emergency: 802-656-3473). Police Services can also assist employees in making appropriate notifications to Vermont DCF and/or the Department of Disability, Aging, and Independent Living.

If you know or suspect that a minor or vulnerable adult is a victim of abuse or neglect, **you must act**. In deciding whether or not to report an incident or situation of suspected abuse or neglect, 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.

UVM's Abuse and Neglect of Minors Operating Procedure can be found, in full, at:

http://www.uvm.edu/policies/general_html/abuse_minors.pdf

UVM's Abuse and Neglect of Vulnerable Adults Operating Procedure can be found, in full, at:

http://www.uvm.edu/policies/general_html/vulnerableadults.pdf

ORDERS OF PROTECTION, "NO-CONTACT" ORDERS, AND "NO-TRESPASS" NOTICES

A UVM community member who has a basis for concern about their personal safety on campus as a result of criminal or campus proceedings, or due to threats or incidents of violence, is urged to contact UVM Police Services promptly regarding such concerns for law enforcement or public safety assistance. UVM Police Services and Hope Works victim's advocates providing services through the [Center for Health and Well-Being](#) can also assist with obtaining orders of legal protection. If

an individual has already secured a judicial no-contact, restraining, or protective order, they should notify UVM Police Services to facilitate compliance with that order, as well as to determine appropriate safety plans while on-campus. UVM Police may also facilitate compliance with University imposed no-contact orders and no-trespass notices, which are typically issued by the Title IX Coordinator, Dean of Students Office, or Operations and Public Safety.

When a person's or group's actions violate civil or criminal laws, University policy, or pose a threat to the health, safety, welfare, or academic experience of members of the University community, that person or group may be denied access to all or part of campus through issuance of a written No-Trespass Notice. The full text of the University's No Trespass Operating Procedure may be found at: http://www.uvm.edu/policies/general_html/notrespass.pdf.

POLICY LISTING

Personal Safety and Security Policy:

http://www.uvm.edu/policies/general_html/personalsafety.pdf

No Trespass Operating Procedure:

http://www.uvm.edu/policies/general_html/notrespass.pdf.

Code of Student Conduct:

<http://www.uvm.edu/policies/student/studentcode.pdf>

OFFENSES OF DISCRIMINATION, HARASSMENT, AND SEXUAL MISCONDUCT

POLICY STATEMENT

The University of Vermont, including its Schools and Colleges, seeks to maintain a safe learning, living, and working environment. To that end, the University of Vermont strictly prohibits discrimination against, and harassment of, its students, employees, and affiliates on the basis of an individual's membership in a legally protected category as defined in the University's [Equal Opportunity in Educational Programs and Activities](#) and [Equal Employment Opportunity/Affirmative Action Policies](#). Any act that falls within the definition of Sexual Misconduct constitutes discrimination or harassment and is a violation of the University's [Discrimination, Harassment, and Sexual Misconduct Policy](#). Furthermore, the University strictly prohibits retaliation.

Campus community members found to be in violation of the University's [Discrimination, Harassment, and Sexual Misconduct Policy](#) will be subject to disciplinary action, up to and including termination of employment, suspension or dismissal from the University, and/or referral for criminal investigation and prosecution under applicable law.

The University has designed its policies on these matters to comply with applicable legal requirements including Title IX of the Education Amendments of 1972; Title VII of the Civil Rights Act of 1964; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"); and applicable state law.

Applicability of Policy

UVM's [Discrimination, Harassment, and Sexual Misconduct Policy](#) applies to all University employees and affiliates, as well as contractors, consultants, temporary employees, and students¹. The policy further applies to University-recognized organizations, affiliated entities, and their members; participants in academic, extracurricular, research, occupational training, or other programs and activities sponsored by the University (including those of recognized student organizations) or occurring on University premises. Off-campus conduct that does not occur in connection with a University sponsored or affiliated program or activity is subject to the policy where it is determined that the conduct may: (1) reflect adversely on the Respondent's fitness to remain enrolled in an academic program or employed in their position; (2) pose an imminent or continuing threat of harm to the safety of UVM community members; or (3) create or contribute to a hostile environment on campus.

Finally, 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.

DEFINITIONS

The University's [Discrimination, Harassment, and Sexual Misconduct Policy](#) contains definitions of several terms that are used by the University when evaluating, investigating, and responding to complaints of discrimination, harassment, or sexual misconduct. In pertinent part, such definitions include:

¹ Student is defined as any person registered for, enrolled in or auditing any course(s) at the University of Vermont. Examples include, but are not limited to, students who are enrolled but not taking classes due to an academic break, medical leave, suspension, or other personal leave; students who were enrolled at the time of the incident; persons who demonstrate an intent to enroll by registering for courses; and students participating in study abroad programs.

Complainant

The individual who experienced behaviors or conduct alleged to be in violation of this Policy, irrespective of whether that individual initiated any formal University process, or has otherwise chosen to participate in such a process. The determination as to whether to proceed with an investigation is made by the University's Director of Affirmative Action and Equal Opportunity, as detailed in UVM's *Discrimination, Harassment, and Sexual Misconduct Policy* and accompanying procedures.

Consent

A person's willingness to engage in a specific sexual act or form of sexual contact.

- Consent is an understandable exchange of affirmative words or actions, which indicate a willingness to participate in mutually agreed upon sexual activity, in the context of all the circumstances. Consent may be revoked or withdrawn any time.
- Consent is specific to particular sexual activity, and is 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 they have consent from any other person engaging in sexual activity or contact. The existence of a dating relationship or a past sexual relationship between the persons engaging in sexual activity or contact is not a sufficient basis to assume consent.
- 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. Consent cannot be gained by taking advantage of the incapacitation of another where the Respondent knows or reasonably should have known of such incapacitation.
- An essential element of consent is that it be freely given. Freely given consent may not be present or possible in relationships of a sexual or intimate nature between individuals where one individual has power, supervision, or authority over another.
- Individuals under the age of 16 are incapable of providing consent to sexual activity under UVM Policy.

Discrimination

Adverse treatment based on an individual's membership in a legally protected category that is sufficiently serious to unreasonably interfere with or limit an individual's opportunity to participate in or benefit from a University program or activity, or that otherwise adversely affects a term or condition of the individual's employment or education. There are two types of discrimination:

- *Disparate treatment* refers to intentional differential treatment of an individual or group protected by federal and/or state law.
- *Disparate impact* refers to policies, practices, rules, or other systems that appear to be neutral, but result in a disproportionate negative impact on protected groups, if the policies or practices at issue are not related to bona fide qualifications to a position of employment or to participation in an academic program.

Harassment

A form of discrimination that encompasses an incident or incidents of verbal, written, visual, or physical communications and/or conduct based on or motivated by an individual's membership in a legally protected category. Harassment may include the use of epithets, stereotypes, slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display or circulation of written or visual material, taunts, and negative references related to any of these protected categories. There are two types of Harassment:

- *Hostile Environment*: A hostile environment exists when the conduct is sufficiently severe, persistent, or pervasive* that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the University's educational or employment programs and/or activities. Conduct must be deemed severe, persistent, or pervasive from both a subjective and objective perspective. In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including, but not limited to:
 - The frequency, nature and severity of the conduct;
 - Whether the conduct was physically threatening;

- The effect of the conduct on the Complainant's mental or emotional state;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or University programs or activities; and
- Whether the conduct implicates concerns related to academic freedom or protected speech.

** For alleged incidents of sexual harassment that are Title IX Offenses, as defined in UVM Policy, the relevant standard is "sufficiently severe, persistent, and pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the University's educational or employment programs and/or activities." (emphasis added)*

- *Quid Pro Quo*: a Latin phrase meaning "This for That", where an employee or student's submission to or rejection of unwelcome treatment based on a protected category is made, either explicitly or implicitly, a term or condition of their employment, academic standing, or participation in any University programs or activities, or is used as the basis for University decisions affecting the individual.

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 incapacitation* means a person is unconscious, asleep, unaware, or otherwise physically unable to communicate consent and also includes physical incapacity or inability to resist unwanted sexual advances regardless of the cause for that inability.
 - *Consumption of alcohol or drugs* alone is insufficient to establish incapacitation. Substance-related incapacity results from a level of alcohol or drug 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 Complainant and whether the Respondent knew or reasonably should have known that they were incapacitated. Whether the Respondent knew or reasonably should have known the Complainant was incapacitated will be assessed by considering whether a sober, reasonable person in like circumstances would have believed them to be incapacitated. Intoxication of the Respondent is not a defense.
 - The following are some objective physical indications of incapacity: slurred speech, difficulty walking or standing, vomiting, unconsciousness and/or losing consciousness, and marked mood swings.

Legally Protected Category

Identities or characteristics on the basis of which discrimination and harassment are prohibited by state and/or federal law, as defined in the [University's Equal Opportunity in Educational Programs and Activities](#) and [Equal Employment Opportunity/Affirmative Action](#) Policies.

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 UVM's Discrimination, Harassment, and Sexual Misconduct Policy. A preponderance of the evidence is found when the alleged actions are more likely to have occurred than not.

Respondent

An individual who has been accused of violating UVM's Discrimination, Harassment, and Sexual Misconduct Policy.

Retaliation

Any adverse action taken against a person for making a good faith report of prohibited conduct, or participating or declining to participate in any proceeding, under this policy. Acts of retaliation may include, but are not limited to, intimidation, threats, harassment, coercion, discrimination, or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy. Retaliation does not include good faith actions lawfully pursued in response to a report of prohibited conduct. Retaliation may be undertaken or attempted either directly or by someone acting on behalf of another.

Sexual Misconduct

An umbrella term that includes:

- Gender-Based Stalking: Engaging in a course of conduct directed at a specific person based on their gender, sexual orientation, gender identity, and/or gender expression that would cause a reasonable person to (1) fear for their safety or the safety of others; or (2) suffer substantial emotional distress.² A course of conduct means two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's property. Substantial emotional distress means significant mental suffering or anguish.
- Relationship Violence: Any act of violence or threatened act of violence that occurs between individuals who are or have been in a social relationship of a romantic or intimate nature³. Relationship Violence may include any form of prohibited conduct under this policy, including Sexual Assault, Stalking, and Sexual Exploitation, as well as acts of physical assault⁴. 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).
- Sexual Assault: A sexual act that occurs (1) without consent of the other person, or (2) by threatening or coercing the other person, or (3) by placing the other person in fear that any person will suffer imminent bodily injury.
- Sexual Act: 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.
- Sexual Exploitation: Non-consensual use of another individual's nudity or sexuality, other than Sexual Harassment, Sexual Assault, Relationship Violence, and Gender-Based Stalking. Examples of Sexual Exploitation include, but are not limited to, purposely or knowingly:
 - Touching the sexual or other intimate parts of a person, or causing such person to touch your sexual or other intimate parts, including intentional touching of the breasts, buttocks, groin, or genitals, whether clothed or unclothed, or intentionally touching another with any of these body parts, and making another touch you or themselves with or on any of these body parts without consent;
 - Exposing one's genitals to another person without consent;
 - Causing the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity;
 - Engaging in voyeurism (e.g. watching or taking pictures, videos, or audio recordings of another person engaging in a sexual act, in a state of undress, or in a place and time where such person has a reasonable expectation of privacy, such as a changing room, toilet, bathroom, or shower, without the consent of all parties);

² This definition is consistent with VAWA.

³ Relationship Violence includes "dating violence" and "domestic violence", as defined by VAWA. Consistent with VAWA, the University will evaluate the existence of a romantic or intimate relationship based upon the Complainant's statement(s) and taking into consideration the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

⁴ For purposes of this Policy, "physical assault" requires the actor to purposely, knowingly or recklessly cause bodily injury to another, where bodily injury means physical pain, illness, or any impairment of physical condition, including strangulation.

- Disseminating, streaming, or posting images or video of private sexual activity and/or a person's intimate parts (including breasts, buttocks, groin, or genitals) without consent;
 - Compelling a person through force, fraud, or coercion to engage in a commercial sexual act (e.g. prostitution);
 - Possession of sexual materials that are illegal under federal or state law;
 - Knowingly exposing another person to a sexually transmitted infection or virus without the other individual's knowledge; or
 - Luring a child under 16, or a person believed to be under 16, by any means, including in-person, over the phone, or through electronic communication, to engage in a sexual act or touch the intimate part of the person or child whether clothed or unclothed. This does NOT apply if an actor is younger than 19 and the child is at least 15 and the contact is consensual.
- Sexual Harassment: A type of Harassment, as defined above, characterized by unwelcome sexual advances, requests for sexual favors, and other unwanted verbal, written, visual, or physical conduct of a sexual nature.

Title IX Offenses

Instances of sexual harassment (quid pro quo or hostile environment), sexual assault, relationship violence, or gender-based stalking that occur on or after August 14, 2020, in the context of a UVM educational program or activity⁵, against a person in the United States, where a Formal Complaint⁶ has been filed.

Statutory Definitions

The Violence Against Women Reauthorization Act of 2013 (VAWA) also requires the University to notify the campus community of certain statutory definitions related to offenses of Sexual Misconduct.

Consent (State of Vermont Definition):

For purposes of the **Vermont criminal statutes**, consent is defined as "words or actions by a person indicating a voluntary agreement to engage in a sexual act". 13 V.S.A. § 3251 (3).

Violence Against Women Act and Vermont State Statute Crime Definitions

The University of Vermont strictly prohibits Sexual Assault, Dating Violence, Domestic Violence, and Stalking as defined above and contemplated by The Violence Against Women Reauthorization Act of 2013 (VAWA). *To read how VAWA defines these behaviors and attempted behaviors, please refer to [Appendix A](#) (see page 74).*

Sexual Assault, Domestic Violence, and Stalking are criminal acts in the State of Vermont. *To read Vermont's definitions of these crimes, please refer to [Appendix B](#) (see page 75).* In the Vermont Criminal Statutes, all incidents of Dating Violence, as defined by VAWA, are captured by the definition of Domestic Violence.

REPORTING INCIDENTS OF DISCRIMINATION, HARASSMENT, AND SEXUAL MISCONDUCT

Any individual who has experienced an incident of sexual misconduct by a University community member may request: a **criminal investigation** (by filing a report with UVM Police Services or local police agency), an **internal University resolution** (by filing a report with the Title IX Coordinator in UVM's AAEO Office), **both**, or **neither**, and has the right to participate in any such investigation or resolution process. University personnel including the Deputy Title IX Coordinator for Intake and Outreach (802-656-3368), Dean of Students (802-656-3380), or Title IX Coordinator (802-656-3368) can also

⁵ Pursuant to the U.S. Department of Education's Title IX Final Rule, an educational program or activity includes "locations, events, or circumstances over which the school exercised substantial control over both the respondent and the context in which the sexual harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution (such as a fraternity or sorority house)."

⁶ As defined in the [Handling and Resolving Discrimination, Harassment, and Sexual Misconduct Complaints Operating Procedure](#).

assist you in filing a report with the police agency of your choice. Victim's advocates with [HopeWorks](#) (802-863-1236) can also support and assist you in the process of reporting and deciding what kind of process, if any, you would like to pursue.

Reporting to Police to Initiate a Criminal Investigation

To report an act of sexual harassment or misconduct and initiate a criminal investigation, individuals should contact UVM Police Services by calling 802-656-3473 (or 9-1-1 in an emergency) or visiting UVM Police at 284 East Avenue in Burlington, Vermont. All UVM Police Officers are specially trained in best practices for first responders to sexual misconduct.

The Title IX Coordinator, Title IX Deputy Coordinators, and Dean of Students are available and trained to assist people with contacting law enforcement, and UVM Police Services Officers are equally available and trained to assist members of the campus community with making contact with the AAEO Office and other campus and community resources and supports.

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 law⁷.

Non-Police Options for Making a Disclosure

Individuals may contact AAEO directly to make a disclosure or report an incident of discrimination, harassment, or sexual misconduct and learn about University-based options for support and resolution:

In Person:	428 Waterman Building (<i>In-person availability may be limited due to COVID-19</i>)
By Phone:	(802) 656-3368
By Email:	TitleIX@uvm.edu or Title9@uvm.edu
Online:	Bias, Discrimination & Harassment Incident Reporting Form

If such a disclosure is made to a UVM Reporter, necessitating a report to AAEO, the Complainant will be provided written information about the University's complaint and resolution processes by AAEO and be invited to meet with the Intake and Outreach Coordinator or other AAEO staff member for support and to discuss their options.

Inquiries and Confidential Resources

Staff members in the Office of Affirmative Action and Equal Opportunity (AAEO) are available to provide general information about harassment and discrimination complaint, investigation, and resolution procedures upon request.

⁷ 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 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](#).*

DCF Child Abuse Hotline: 1-800-649-5285 UVM Police Services: (802) 656-3473

Vermont law further **requires** that certain professionals listed in 33 V.S.A. § 6903 report within 48 hours to the Vermont Department of Disability, Aging, and Independent Living any incident arising as to which there is reasonable cause to believe a vulnerable adult has been abused or neglected by calling the Abuse Reporting Hotline at 1-800-564-1612. In addition, to protect optimally the safety of vulnerable adults who are participating in University programs and activities, the University **requires** any employee who has reasonable cause to believe that a vulnerable adult participating in such program or activity has been abused or neglected to report the concern promptly to the Department of Disability, Aging, and Independent Living 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 Vulnerable Adults; Reporting Abuse, Neglect or Exploitation of, and Crimes University Operating Procedure.

Abuse Hotline: 1-800-564-1612

UVM Police Services: (802) 656-3473

However, if an individual wishes to discuss a specific incident confidentially without filing a complaint for institutional review and response, that individual should directly contact:

Campus Victim's Advocacy by HopeWorks (24/7 and confidential)	(802) 863-1236 or online chatline at https://hopeworksvt.org
UVM Counseling & Psychiatry Services (confidential) *For after-hours assistance, select voicemail #2.	(802) 656-3340
Student Health Center (confidential)	(802) 656-3350
Employee Assistance Program (confidential)	(802) 864-3276

The University also has excellent working relationships with several community agencies that are available to provide confidential counseling and support free of charge, as listed in the Additional Reporting Contacts and Resources section of this Policy.

Removal of Reporting Barriers under UVM Policy

The University seeks to remove any barriers to an individual or group in making a disclosure. The University recognizes that individuals who experience incidents of discrimination or harassment, in some circumstances, may be reluctant to disclose such conduct to the University because they fear that they themselves may be accused of policy violations specific to public health offenses, such as underage drinking or drug use, at the time of the incident. Accordingly, if the University learns of these concerns via a disclosure, formal complaint, or investigation of a complaint, the University will not use this information in a disciplinary process against the complainant or any witness unless the conduct placed the health or safety of any other person at risk. For example, this provision will not protect from disciplinary action an individual who knowingly serves alcohol or administers drugs to Complainant in order to facilitate conduct prohibited by this Policy.

For comprehensive information on accessing University and community-based resources specific to sexual harassment and misconduct incidents, including emergency and on-going assistance; the importance of preserving evidence; health, mental health, and victim-advocacy services; and the University's primary prevention, education, and training initiatives please visit UVM's Sexual Conduct and Education web site at <https://www.uvm.edu/aaeo/title-9-sexual-misconduct>.

Specific to incidents of sexual harassment and misconduct, the Director of AAEO serves as the University's Title IX Coordinator. Additionally, the University has also designated [Deputy Coordinators](#) who may assist in the discharge of these responsibilities.

Obtaining Remedial and Protective Measures

The University will offer reasonable and appropriate measures to Complainants, Respondents, and third parties that are designed to protect individual and community safety, and facilitate continued access to University employment or education programs and activities. These measures may be remedial (involving personal support) or protective (involving action against another individual). With respect to third parties, AAEO will take into account the role of the third party and the nature of any contractual relationship with the University.

Remedial and protective measures, which may be temporary or permanent, may include issuance of no-contact directives, residence modifications, academic modifications and support, work schedule modifications, Transportation and Parking Services modifications, interim administrative suspension, suspension from employment, and pre-disciplinary leave (with or without pay). Remedial measures are available regardless of whether a Complainant pursues a complaint, investigation, or resolution through AAEO.

The University will maintain the privacy of any remedial and protective measures to the extent practicable, and will promptly review and address any alleged violation of the protective measures.

Retaining Evidence of Sexual Misconduct & Gender Based Crimes

It is important to seek medical attention as soon as possible following an incident of physical assault, including incidents of domestic violence, dating violence, and/or sexual assault. Bathing or changing clothes if you have experienced a physical assault of any kind may inadvertently eliminate evidence. Any communications or interactions with any involved parties following an incident, including but not limited to social media, text, voice, or email messages may also contain important evidence and should be retained. This evidence may assist in proving that the alleged offense occurred or may be helpful in obtaining a protection order.

All UVM Police are specially trained in best practices for first responders to sexual misconduct. These officers' primary role is to assure your safety and wellbeing, as well as provide immediate support. Additionally, Campus Victim's Advocacy Services are available 24/7 for support throughout the investigatory process, University conduct process, alternative resolution process, and/or criminal process. UVM Police Services is also aware of community resources, including advocates who are available 24/7 that will accompany you to the hospital if you wish, and can put you in contact with those resources upon request.

The UVM Medical Center has specially trained Sexual Assault Nurse Examiners (S.A.N.E. nurses) who can provide confidential medical examinations at no-cost to individuals who have been sexually assaulted. More information about S.A.N.E. nurses and the S.A.N.E. program at UVM Medical Center is available at:

<https://www.uvmhealth.org/medcenter/departments-and-programs/sexual-assault-nurse-examiners-sane-program>

Please remember, if you have experienced a physical assault, act of sexual misconduct, or other criminal conduct, just because you file a report and it is investigated does not mean that you will have to testify in a criminal proceeding or participate in a University resolution or disciplinary process. Those decisions are yours to make. 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 you. However, a prompt report will impact the efficacy of any investigation, and any criminal and/or University process that may result. Individuals are therefore strongly encouraged to report to University Police Services incidents of both physical and electronic gender-based crimes immediately following the occurrence.

Statement on Privacy and Requests for Anonymity

With respect to any disclosures made under UVM Policy, the University cannot guarantee confidentiality, but will make all reasonable efforts to protect the privacy of all involved, in accordance with applicable state and federal law, while balancing the need to gather information to assess the report and to take steps to eliminate any discrimination or harassment, prevent its recurrence, and remedy its effects. Privacy and confidentiality have distinct meanings under UVM Policy. For the specific definitions, please refer to UVM's [Discrimination, Harassment, and Sexual Misconduct Policy](#).

If a Complainant does not want to participate in an investigation or resolution process, or expresses a desire to AAEO for their identity not to be shared (e.g. remain anonymous), the University 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, as further described in the [Handling and Resolving Discrimination, Harassment, and Sexual Misconduct Complaints Operating Procedure](#). The decision as to whether the University will proceed with an investigation or pursue other appropriate action under these circumstances ultimately rests with the AAEO Director. In the event this request cannot be honored, the AAEO Director will contact the Complainant about this decision.

AAEO INTAKE, INVESTIGATION, AND RESOLUTION

This section describes the process that UVM's AAEO Office utilizes when a complaint is made, and a resolution process (investigative or alternative) is sought.

Additional Definitions:

In addition to the definitions contained in the [Discrimination, Harassment, and Sexual Misconduct Policy](#), some of which were included above, the following terms are defined by the [Handling and Resolving Discrimination, Harassment, and Sexual Misconduct Complaints Operating Procedure](#).

AAEO Process Advisor:

An individual selected by either party to provide personal support throughout the disclosure, complaint, investigation, and resolution process. 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 disciplinary meetings. While Process Advisors are not limited to members of the campus community, the University has identified several employees to serve in a voluntary capacity as AAEO Process Advisors (<https://www.uvm.edu/aaeo/aaeo-process-advisors>), all of whom have received dedicated training on University policies and procedures, and can assist with identifying additional appropriate resources. A Process Advisor may also be an attorney retained by the party's own expense, a friend or colleague, union representative, or other person.

Formal Complaint:

A document filed by a Complainant who is currently participating in or attempting to participate in the education program or activity of the University, or is otherwise signed by the Title IX Coordinator, alleging a Title IX Offense against a Respondent and requesting that AAEO investigate the allegation.

Procedures

All resolution processes are guided by the principles of fairness and respect for Complainants and Respondents. This includes a presumption of good faith reporting and a presumption of non-responsibility; adequate, reliable, and impartial investigation and resolution of complaints; an equal opportunity to present witnesses and other evidence, including the ability to present questions to be asked of the other party and witnesses; the ability to participate, or not, without inference; accompaniment of parties by an AAEO Process Advisor and Title IX Hearing Advisor⁸ of their choosing, as applicable; impartial process personnel free from conflicts of interest; and an equal opportunity to an appeal process for both parties.

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 the alleged conduct and taking steps to provide appropriate remedies and support.

To the extent that a non-affiliate discloses to AAEO that they have experienced acts of Discrimination or Harassment by a University affiliate, 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.

STEP 1: AAEO INTAKE

Upon notice to AAEO that an individual (the "Complainant") has been the subject of alleged harassment or discrimination, the AAEO Intake and Outreach Coordinator ("Intake Coordinator"), or designee, will provide outreach to the Complainant. The Intake Coordinator will offer to schedule a time to meet with the Complainant and discuss the individual's needs for support, as well as options for resolution. The Intake Coordinator will also provide written

⁸ As defined in the [Hearing Procedures for Title IX Offenses Involving Student Respondents](#) and [Hearing Procedures for Title IX Offenses Involving Employee Respondents](#).

information about applicable University policies, investigation and resolution options and procedures, remedial and protective measures, and other helpful resources.⁹

AAEO will accept disclosures from any affiliate or non-affiliate against a student, staff or faculty member, or other affiliate who is alleged to have engaged in behavior constituting harassment or discrimination as outlined in the [Discrimination, Harassment, and Sexual Misconduct Policy](#). Disclosures may be made against individuals or units, departments, organizations recognized or affiliated with the University, or other organizational components of the University. Disclosure of allegations to AAEO may be made verbally or in writing.

STEP 2: PRE-RESOLUTION REVIEW

Following intake, if the Complainant wishes to proceed to a University review process or if the Director or designee determines the matter requires independent action¹⁰, AAEO will proceed with:

- **INVESTIGATOR MEETING**

An AAEO Investigator will be assigned to the matter, and will invite the Complainant to provide additional information about the disclosed incident(s). The Complainant may be accompanied by an AAEO Process Advisor, as defined above (from the Discrimination, Harassment, and Sexual Misconduct Policy), when meeting with the assigned AAEO Investigator.

- **DOCUMENTATION OF COMPLAINT AND DETERMINATION OF JURISDICTION**

A Complaint may be filed in person with the AAEO Investigator or electronically, and must contain sufficient detail to support proceeding with an AAEO resolution process.¹¹ The AAEO Investigator must determine (1) whether the Respondent was subject to the Discrimination, Harassment, and Sexual Misconduct Policy at the time of the conduct and (2) whether the conduct as alleged would be a violation thereof.

If AAEO determines that the Office has no jurisdiction or the matter is not otherwise appropriate for resolution in the discretion of the AAEO Director, AAEO staff will provide appropriate referrals to campus and off-campus resources. If new information is subsequently provided to AAEO, AAEO may reevaluate whether or not the AAEO Office has jurisdiction. When the incident constitutes a Title IX Offense, AAEO shall follow the requirements of "Dismissal of Title IX Formal Complaints; Appeal Rights" contained in the [Handling and Resolving Discrimination, Harassment, and Sexual Misconduct Complaints Operating Procedure](#).

- **NOTICE OF COMPLAINT AND AAEO PROCESS**

AAEO will issue written notice to the Complainant and Respondent that an AAEO process has been initiated to resolve alleged violation(s) of University policy. The written notice will include the identities of the parties, the conduct allegedly constituting the policy violation, and the date and location of the alleged incident, if known. The written notice will also include a copy of the University's [Handling and Resolving Discrimination, Harassment, and Sexual Misconduct Complaints](#), and a statement indicating whether Complainant has expressed interest in Alternative Resolution.

Step 3: AAEO RESOLUTION

Option 1: Alternative Resolution

- **PURPOSE**

⁹ Pursuant to federal law, for cases of alleged relationship violence, sexual assault, and gender-based stalking, these written materials shall include an explanation of Complainants' rights and options for both University and criminal action, as well as applicable support resources available on campus and in the greater Burlington community, including but not limited to counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and student financial aid resources. In many cases, the AAEO Intake and Outreach Coordinator provides this information in an email sent to the individual's official UVM email account.

¹⁰ Where AAEO documents a Complaint, or otherwise proceeds with a Complaint absent the Complainant's participation, AAEO does not take the place of the Complainant.

¹¹ When the allegations contain a Title IX Offense, a Formal Complaint is required.

Alternative Resolution is conducted by a trained Facilitator¹², and is designed to be flexible to respond to the needs of the parties and the unique circumstances of every case. The alternative resolution process seeks to repair harm, and educate the parties without rendering an institutional policy decision. Alternative Resolution is not a disciplinary process. The culmination of the parties' facilitated dialogue is the creation of a cooperatively designed agreement that outlines steps or actions a Respondent will take to both address the reported conduct and prevent its recurrence.

Alternative Resolution can be pursued following Notice of Complaint (Step 2) or following creation of a Record (Step 3, Option 1). Both the Complainant and Respondent must voluntarily agree to pursue the alternative resolution process. Additionally, the Director or designee must determine that the nature of the reported conduct is appropriate for alternative resolution. The [Handling and Resolving Discrimination, Harassment, and Sexual Misconduct Complaints](#) outlines several factors to be considered by the Director or designee in making this determination.

Information gathered during an Alternative Resolution Process cannot be used in another UVM process, including if the Alternative Resolution terminates and an Investigative Resolution is initiated, and Facilitators will not serve as witnesses in any subsequent conduct or legal proceedings, except where required by law or regulation.

- **NEGOTIATION OF TERMS**

The primary form of alternative resolution used by AAEO is facilitated dialogue and a negotiation between the parties to enact, through creation of an Alternative Resolution Agreement, educational and restorative measures. In most cases, the parties will not engage in face-to-face dialogue and will meet independently with the Facilitator. When face-to-face facilitated dialogue is mutually desired by the parties, and the AAEO Director approves, live video conferencing may occur.

Alternative Resolution Agreements must be documented by the Facilitator, signed by both parties, and approved by the Director or designee. If no agreement is reached, or either party indicates in writing to the Facilitator that they no longer wish to pursue Alternative Resolution, the matter will be referred to the Director. The Director will consider the Record of Investigation (if available), the wishes of the parties, and the interests of the campus community in determining next steps, which may include a return to or initiation of an investigative resolution process.

For a non-exhaustive list of educational and restorative measures that may be agreed to as a result of the resolution process, with the approval of the Director, please see the [Handling and Resolving Discrimination, Harassment, and Sexual Misconduct Complaints](#) Policy.

- **COMPLIANCE WITH RESOLUTION AGREEMENT**

Once a Resolution Agreement has been signed by both parties and approved by the Director or designee, the Complainant and Respondent will be required to comply with its terms. When a Resolution Agreement requires a student Respondent to take active steps to fulfill a term (e.g., participation in a program or participation in an impact statement conference) by a date certain, AAEO may request that the Dean of Students place a registration or transcript hold on the Respondent's account until the term is fulfilled. AAEO will request that the hold be lifted when the term is fulfilled.

If AAEO believes that a party has not complied with the terms of a Resolution Agreement, AAEO will initiate appropriate steps to effectuate a non-compliance response consistent with the terms of the Resolution Agreement.

Option 2: Investigative Resolution

- **INTERVIEWS AND EVIDENCE COLLECTION**

¹² Alternative Resolution Facilitators will generally be AAEO staff members, however, AAEO may also elect to use the services of an outside facilitator or a non-AAEO staff member.

The Investigator¹³ will seek to conduct interviews with identified and relevant witnesses and the Respondent. In addition to participating in a personal interview with the Investigator, both parties may provide, if they wish, relevant evidence they would like the investigator to review, the names of potential witnesses with factual knowledge directly related to the allegations, as well as a list of relevant factual questions they would like asked of the other party.¹⁴

- **CREATION OF RECORD**

Following all interviews and the collection of evidence, AAEO will provide both parties with a written record of the directly related evidence collected (“the Record”) for review. The parties may elect to provide the Investigator with a written response to the Record, including any comments, additional directly related evidence for review, and/or questions they propose the Investigator ask of the other party or witnesses. The parties may also meet with the Investigator to do the same. All responses to the Record, written or in-person, must be submitted within ten (10) calendar days¹⁵ of access to the Record being provided to the parties.

When a party’s response to the Record of Investigation presents new information that is directly related to the allegations, the Investigator may conduct additional investigation, including interviews, based on this information, and will issue a supplement to the Record of Investigation to both parties containing the new information for review and response, until such time as the Investigator determines the record to be closed. The Investigator will provide the parties with five (5) calendar days to provide a response to any Record Supplement, unless a different time period is required by law or regulation. The Record of Investigation and any Record Supplements shall collectively be referred to as the Final Record of Investigation, a copy of which shall be provided to both parties.

- **REVIEW OF RECORD BY AAEO DIRECTOR**

The Investigator shall provide a copy of the Final Record of Investigation to the Director with a cover letter outlining whether the matter should be processed pursuant to the Title IX Hearing Procedures (for [student](#) or [employee](#) respondents), the non-Title IX resolution process, or, alternatively, should now be referred for Alternative Resolution based on the expressed wishes of the parties. The Director shall take one of five actions and notify the parties, in writing, of the decision:

- Instruct the Investigator to conduct additional investigation¹⁶;
- Allow the parties to submit, within ten calendar days, a written reply to the Final Record of Investigation and then send the Final Record of Investigation, as well as those responses which are both directly related and relevant, to both parties and the Center for Student Conduct (student respondents) or Human Resource Services (employee respondents) to schedule a hearing, as detailed below (Sub-Option 1);
- Send the Final Record of Investigation back to the Investigator to write a Non-Title IX Report of Investigation and Determination of Policy Violation, as detailed below (Sub-Option 2);
- Refer the matter for Alternative Resolution; or
- Dismiss or reassign the Complaint as outlined in Step 2: Determination of Jurisdiction.

- **Sub-Option 1: TITLE IX LIVE HEARING**

When the Director determines that the matter must proceed to a Title IX hearing, such hearing will be conducted according to the [Hearing Procedures for Title IX Offenses Involving Student Respondents](#) or the [Hearing Procedures for Title IX Offenses Involving Employee Respondents](#). For more information about the hearing procedure, refer to the [Hearing & Sanctioning Procedures for Title IX Offenses](#) section of this report.

¹³ Individuals assigned to investigate violations of the University’s Sexual Harassment and Misconduct Policy receive, at a minimum, annual training related to the dynamics of dating violence, domestic violence, sexual assault, and stalking, and on how to conduct an investigation process that protects the safety of all participants and promotes accountability.

¹⁴ The Investigator has the sole discretion to determine what questions to pose to parties or witnesses, to limit redundancies, and to determine the overall length of any meeting. The decision to interview particular witnesses and allow or consider evidence offered by the parties is within the sole discretion and professional judgment of the Investigator.

¹⁵ Where this deadline lands on a weekend or UVM Administrative Holiday, the deadline shall be the next UVM business day.

¹⁶ If there is any supplement to the Final Record of Investigation following additional investigation, the Investigator need not provide an additional cover letter unless there is a new, material issue raised regarding jurisdiction or should the parties newly request Alternative Resolution be explored.

- Sub-Option 2: ISSUANCE OF NON-TITLE IX INVESTIGATION REPORT

When the Director determines that the matter should proceed to Non-Title IX investigative resolution, the Investigator will issue a written report setting forth findings of fact, a determination of responsibility for alleged policy violations, and the rationale for that determination utilizing the preponderance of the evidence standard. A copy of this report will be provided concurrently to both parties.¹⁷

When the Respondent is a student and has been found responsible for a policy violation, AAEO will forward a copy of the report to the Center for Student Conduct (CSC) for sanctioning and processing according to [Discrimination, Harassment, and Non-Title IX Sexual Misconduct Sanctioning Procedures for Student Respondents](#).

When the Respondent is a student and no policy violation is found following investigation, AAEO will make available its report to both parties and the Dean of Students. The investigator's conclusion that no policy violation occurred may be appealed by either party. Appeals must be submitted to the Dean of Students, or designee, in writing, according to the Appeal Procedures of the [Discrimination, Harassment, and Non-Title IX Sexual Misconduct Sanctioning Procedures for Student Respondents](#).

When the Respondent is an employee, AAEO will forward the report to the Vice President for Finance and Administration. Either party may appeal the investigator's conclusion that a policy violation did or did not occur to the VP for Finance and Administration, or designee, in writing, according to the [Handling and Resolving Discrimination, Harassment, and Sexual Misconduct Complaints Operating Procedure](#).

The appeals process is described in more detail in the sections [Hearing & Sanctioning Procedures for Title IX Offenses](#) and [Sanctioning Procedures for Non-Title IX Cases of Discrimination, Harassment, and Sexual Misconduct](#) sections of this report.

TIMEFRAME FOR AAEO PROCESS

Typically, the AAEO process (Investigative or Alternative Resolution) will be completed within sixty (60) days from the documentation of a complaint, as outlined in Step 2, above. However, in some circumstances, it may be necessary to extend the timeframe due to the complexity of the case, availability of witnesses, the occurrence of a simultaneous criminal investigation and request from law enforcement that AAEO delay its resolution process, or other factors that cause an unavoidable delay, collectively "good cause." If good cause exists for AAEO to extend the timeframe, as determined by the Director or designee, both parties will be promptly notified of the revised (expected) timeframe. This timeframe does not include any resultant hearing or sanctioning process.

IMPARTIALITY

Assigned investigator(s) or facilitator(s) shall remove themselves from resolving a case if they believe that they cannot be impartial. Additionally, either party may seek the removal of an assigned Investigator or Facilitator if they believe that the individual cannot be impartial by submitting a written statement to the Director, or designee, stating the specific reasons for their belief. This written statement must be submitted to the Director, or designee, within 48 hours of when they become aware that a conflict exists. If the Director, or designee, determines that the assigned Investigator or Facilitator may not be impartial, a new Investigator or Facilitator will be selected by the Director and both parties will be notified.

¹⁷ In accordance with federal law, following an investigation and/or disciplinary action, the University will disclose to the Complainant in a case of sexual misconduct or the victim of a crime of violence (as that term is defined in Section 16 of Title 18 of the United States Code) the report on the results (i.e. outcomes) of any disciplinary proceeding conducted by the University against a Respondent or the alleged perpetrator of such a crime or misconduct. If the Complainant or victim is deceased as a result of such crime or offense, the next of kin shall be provided with the notices described in this paragraph.

ACCOMMODATIONS; RESCHEDULING REQUESTS; MODE OF PARTICIPATION

Requests to reschedule meetings and/or extend deadlines for response must be submitted to AAEO in writing. Such requests will only be granted for good cause, in the discretion of the Director, or designee. In determining whether good cause exists, the Director, or designee, will consider whether rescheduling will unduly burden the other party or otherwise unreasonably delay resolution of the matter.

AAEO can facilitate remote participation based upon administrative need, as well as upon request.

Parties, witnesses, and other participants in the AAEO resolution process may request reasonable accommodations for a disability-related condition by informing the Investigator or Director of their need for accommodation based on a disability. AAEO will then collaborate with Student Accessibility Services (students) or the ADA/504 Coordinator (employees and non-affiliates) to determine eligibility for, and the parameters of, such accommodations.

COORDINATION WITH CRIMINAL PROCESS *(if applicable)*

The University strongly encourages individuals who have experienced discrimination or harassment that they believe rises to the level of criminal misconduct, including hate crimes and all forms of sexual misconduct, to consider making a report to law enforcement to assure their personal and community safety, and to become informed about their options, including the option of pursuing a criminal investigation.

AAEO will not wait for the conclusion of a criminal investigation or proceeding to begin its own process. AAEO may, however, at the discretion of the Director, comply with valid requests from law enforcement for cooperation in a criminal investigation, including temporarily delaying the AAEO process while law enforcement is gathering evidence. In assessing whether to temporarily delay the AAEO process pursuant to a request from law enforcement, the Director will consider such factors as:

- The length of the requested delay;
- The impact that such delay will cause to the involved parties and the campus community; and
- The level of impact to the criminal investigation that will occur if the requested delay is not granted.

In the event the requested delay is granted, AAEO will promptly resume and complete its process once law enforcement has completed gathering evidence, and will keep the Complainant apprised of such requests to the extent permitted by law.

DECISION TO PROCEED WITHOUT COMPLAINANT COOPERATION; REQUESTS FOR ANONYMITY

If the individual subjected to alleged discrimination or harassment does not want to participate in the University process, or expresses a desire to AAEO for their identity to be kept confidential, the wishes of that individual will be followed where possible. However, the University reserves the right to investigate and/or take other appropriate action as may be necessary to protect the safety of the campus community. The decision as to whether the University will proceed under these circumstances ultimately rests with the AAEO Director, or designee¹⁸. Requests not to pursue an investigation, as well as requests for confidentiality, are weighed against the University's responsibility to provide a safe and nondiscriminatory environment for all members of the campus community. A non-exhaustive list of considerations is included in the University's Operating Procedure for [Handling and Resolving Discrimination, Harassment, and Sexual Misconduct Complaints](#).

DISMISSAL OF TITLE IX FORMAL COMPLAINTS; APPEAL RIGHTS

The AAEO Director or designee may dismiss or reassign a Title IX Formal Complaint, in whole or in part, to another University process at any time during the resolution process if (1) the Complainant notifies the Director, in writing, that the Complainant would like to withdraw the complaint; (2) the Respondent is no longer enrolled or employed by the University; or (3) specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Complaint or allegations therein.

Upon dismissal of a Formal Title IX Complaint, the Director or designee will send written notice of the dismissal and the

¹⁸ The Director, or designee, may consult with the University's Sexual Misconduct Response Team (SMRT) when the alleged discriminatory behavior, if true, would constitute sexual harassment or misconduct prohibited by UVM policy.

reason(s) therefore to both parties with an opportunity to appeal. Both parties may appeal to the Chief Human Resources Officer within five (5) business days. The dismissal may be appealed for the following grounds only: (1) a procedural error unfairly and materially affected the outcome, (2) material evidence has been discovered that was not reasonably available at the time of the determination, or (3) there was a clear abuse of discretion, including the presence of a conflict of interest or bias against a party that affected the outcome. If sufficient information has been submitted to support an appeal on one of the listed bases, the Chief Human Resources Officer, 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 Chief Human Resources Officer, or designee, within five 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 Chief Human Resources Officer or designee. The Chief Human Resources Officer or designee will review all submitted materials, and the pertinent case documents, and render a written decision within ten business days, absent extenuating circumstances. Should additional time be required, the Chief Human Resources Officer or designee will promptly notify both parties of the revised (expected) timeframe. The Chief Human Resources Officer or designee will issue a copy of the written appeal decision to parties who are UVM affiliates, in accordance with federal law. The appeal decision may uphold the decision, modify the decision, overturn the decision, or refer the case back to the Investigator, as warranted.

CONSOLIDATION OF COMPLAINTS; MULTIPLE POLICY VIOLATIONS

If at any point AAEO becomes aware that University policies other than the Discrimination, Harassment, and Sexual Misconduct Policy may have been violated in relation to the matter being reviewed, these concerns may also be resolved through AAEO processes, provided doing so does not unduly delay such process. The decision to investigate other alleged policy violations that AAEO becomes aware of is within the discretion of the Director or the Director's designee.

AAEO may also consolidate Complaints in situations that arise out of the same facts or circumstances and involve more than one Complainant, more than one Respondent, or what amount to counter-complaints by one party against the other. Additionally, where conduct includes both Title IX Offenses and non-Title IX Offenses, AAEO may utilize the applicable Title IX resolution procedures to resolve non-Title IX Offenses or may process through concurrent or consecutive resolution processes. This decision is in the discretion of the Director or designee.

Disclosure, Investigation, and Resolution Records

Records of disclosures, investigation, and resolutions, including disciplinary records and alternative resolution agreements (collectively "conduct records") for cases involving student respondents are maintained by AAEO. Records of dismissal from the University are permanent. 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. Records of all other sanctions imposed under this Policy will be sealed upon the earlier of either the student's graduation or two consecutive years of absence from the University.

Records of disclosures, investigation, and non-disciplinary resolutions for cases involving employee respondents are maintained by AAEO. Disciplinary records of the same are maintained in accordance with the terms of applicable University practices, policies, and collective bargaining agreements, as detailed at <https://www.uvm.edu/hrs/handbooks-policies>.

Community Remedies

The AAEO Director will regularly assess, in light of all disclosures, whether the imposition of community interventions or remedies ("community remedies") may be appropriate to address the effects of alleged conduct, or patterns of alleged conduct, on the larger University community. Potential community remedies include targeted or broad-based educational programming or training, and indirect action by the AAEO Director or a department, unit, or college. Remedies are separate from disciplinary action and may occur irrespective of whether an investigation or alternative resolution takes place or whether a Respondent has been found to have violated University policy. Community remedies are designed to maximize the campus community's access to all employment, educational, and extracurricular opportunities and benefits and to eliminate a potential hostile environment.

HEARING & SANCTIONING PROCEDURES FOR TITLE IX OFFENSES

Definitions:

In addition to the definitions contained in the Discrimination, Harassment, and Sexual Misconduct Policy and the [Handling and Resolving Discrimination, Harassment, and Sexual Misconduct Complaints Operating Procedure](#), the following terms are defined by University's Title IX Hearing Procedures for cases involving [Student](#) and [Employee](#) respondents.

<u>Adjudicator:</u>	The individual assigned to conduct the live hearing, render a determination of responsibility for the alleged policy violation(s), and impose appropriate sanctions.
<u>Case Coordinator:</u> *	A staff member of the Center for Student Conduct whose role is to facilitate the administration of the University's hearing process, including scheduling Initial Meetings with both parties and conducting those meetings; scheduling the Hearing; assisting the Adjudicator with hearing logistics; and operationalizing sanction decisions. The Case Coordinator is not a decision-maker.
<u>Hearing Advisor:</u>	An individual independently retained by either party, or otherwise assigned by the University, to serve as a party's proxy for voicing questions to the other party and witnesses during the Title IX Hearing. Other than those assigned by the University, UVM employees must obtain the approval of their supervisor and the Title IX Coordinator before serving as a Hearing Advisor to ensure no conflict of interest or conflict of commitment exists.

**Cases involving student respondents only.*

Live Hearing and Adjudication Procedures - Summary

Following initial inquiry by AAEO and preparation of a Final Record of Investigation, the University of Vermont adjudicates Title IX Offenses involving student Respondents, as defined by the [Discrimination, Harassment, and Sexual Misconduct Policy](#), in accordance with the [Hearing Procedures for Title IX Offenses Involving Student Respondents](#). For cases involving employee Respondents, the University adjudicates offenses in accordance with the [Hearing Procedures for Title IX Offenses Involving Employee Respondents](#).

Hearings involving student respondents are adjudicated by the Center for Student Conduct (CSC), which will assign a Case Coordinator upon receipt of a Final Record of Investigation from AAEO. The Case Coordinator will then schedule an initial meeting with each involved party (separately), typically within two weeks of CSC's receipt the Final Report. Hearings involving employee Respondents are adjudicated by UVM Human Resource Services (HRS); HRS staff will conduct the Initial Meeting in employee cases rather than a CSC Case Coordinator. During the Initial Meeting, the Case Coordinator or HRS Employee will answer any questions about the hearing process. At this meeting, the involved parties also will provide the Case Coordinator / HRS Employee with the name of their Hearing Advisor. If a party chooses not to participate in their Initial Meeting, they still must identify their Hearing Advisor. Note that, upon request, the University can assign a Title IX Hearing Advisor and will do so if a party has not identified a Hearing Advisor no later than five business days before the scheduled hearing.

Within three days of the completion of both parties' Initial Meetings, the Case Coordinator or a Human Resource Services representative will notify both parties of the date and time of their scheduled Hearing. This notice will include the identity of the Adjudicator assigned to the hearing. Witnesses identified in the Final Report of Investigation from AAEO will also be notified of the date and time of the hearing by the Case Coordinator or by UVM HRS and invited to participate. ***No other witnesses will be permitted to participate in the hearing.***

Hearings typically occur within two weeks of the Initial Meeting. Parties must be accompanied by a Hearing Advisor to conduct appropriate questioning during the hearing. Parties may also be accompanied by an AAEO Process Advisor for personal support.

The purpose of the hearing is to determine whether the Respondent is "responsible" or "not responsible" for alleged

violations and for assigning sanctions when found “responsible.” The determination of responsibility will be made by an impartial Adjudicator¹⁹ based on the information contained in the Final Record of Investigation, any response provided by the parties to the Final Record that is deemed directly related and relevant, and on statements made during the Hearing. The Respondent will be presumed “not responsible” until proven otherwise by a *preponderance of the evidence*.

During the Hearing, the Adjudicator is responsible for maintaining order and may take all steps necessary to ensure an orderly hearing, up to and including removal of disruptive parties. The Adjudicator will permit the parties’ Title IX Hearing Advisors to ask relevant questions of the parties and witnesses on matters that are contained within the Final Report of Investigation. Information that is protected by a legally recognized privilege, such as evidence of a party’s prior sexual history²⁰; or a party’s medical, psychological, or similar records, shall not be permitted unless the party gives written, voluntary consent. All Hearing proceedings are closed.

For a full explanation of these procedures, including a step-by-step description of the hearing process, please refer to the [Hearing Procedures for Title IX Offenses Involving Student Respondents](#) or [Hearing Procedures for Title IX Offenses Involving Employee Respondents](#) as appropriate.

Decision Process

Following the Hearing, the Adjudicator will issue a written notice of the hearing outcome, which will contain their factual findings, determination of whether a Policy violation occurred, the assigned sanctions, if applicable, and the rationale in support thereof. The Adjudicator will strive to complete this notice within fourteen calendar days of the conclusion of the Hearing. The Case Coordinator will provide notice of the hearing outcome to the Complainant and the Respondent²¹ simultaneously using their official UVM email addresses. This notice will include information for both parties about their right to appeal, and the method for doing so.

Potential Sanctions – Student Respondents

In cases in which student respondents are found responsible for violations of the University’s Discrimination, Harassment, and Sexual Misconduct Policy, the following sanctions may be imposed:

- *Disciplinary Warning:* An official written notification that a student's behavior is in violation of University regulations or standards, which clarifies expected behavior in the future. Further misconduct may result in more serious sanctions.
- *Probation:* An official notice indicating that subsequent violations of University policy will result in a review for suspension or dismissal from the University.
- *Educational Sanctions:* The Adjudicator may require completion of a variety of educational sanctions, examples of which may be found here: http://www.uvm.edu/sconduct/?Page=code_supplemental.html
- *Fines or Fees:* The Respondent must pay all fines or fees associated with alcohol and other drug education consultations and classes, as well as those for sessions with a Certified Drug and Alcohol Counselor. Such fines may be billed to a student’s financial account.
- *Community Restitution:* The Adjudicator may also require performance of a specified number of community restitution hours. This sanction will be fulfilled either on or off campus, as specified. On campus service will take place in a specified department.
- *Financial Restitution:* The Adjudicator may require proof of restitution for damage done or other payment for expenses incurred as a result of the Respondent’s actions. Restitution may be required to the University, a specific department, or

¹⁹ The Adjudicator assigned to a case shall remove them self if they have an actual conflict of interest or otherwise believe that they cannot be impartial. Additionally, a Respondent or Complainant may seek the removal of an Adjudicator if they believe that the Adjudicator has an actual conflict of interest by submitting a written statement to the director of the CSC within 48 hours of the receiving the notice containing the Adjudicator’s name.

²⁰ Evidence of a Complainant’s prior sexual history is not relevant except as to show: (1) evidence of specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent (2) evidence that someone other than the Respondent committed the conduct alleged by the Complainant

²¹ To the extent required and permitted by federal law and University policy.

a specific individual, as designated by the Hearing Officer.

- *Suspension from Residence Halls:* This sanction prohibits the student from residing in any University operated residence hall on either a temporary or a permanent basis. The Respondent may reapply for housing after the stated period of suspension. Specific restrictions on access to residence halls during the period of suspension may also be imposed. Suspension usually includes forfeiture of any fees paid for the remainder of the housing contract.
- *Suspension from the University:* This sanction separates the student from the University for a specified period of time. This sanction prohibits attendance at any classes and participation in the University Study Abroad program during the suspension period. The terms of the suspension may restrict access to University grounds or buildings, as well as attendance at University- sponsored social events, or other functions, as deemed appropriate by the DOS or designee. The student may not register or enroll until the stated period of suspension is completed and any requirements for the suspension are fulfilled.
- *Dismissal:* This sanction separates the student permanently from the University of Vermont.

Potential Sanctions – Employee Respondents

In cases in which employee respondents are found responsible for violations of the University's Discrimination, Harassment, and Sexual Misconduct Policy, the following sanctions may be imposed (unless sanctioning provisions of an applicable collective bargaining agreement provide otherwise):

- Written Letter of Reprimand/Written Warning;
- Suspension without pay of varying lengths;
- Termination of Employment;
- Demotion or reassignment with or without loss of pay;
- Faculty additionally may be subject to ineligibility for sabbaticals, ineligibility for professional development funds, and ineligibility for assignments yielding supplemental or additional compensation.

The imposition of sanctions against a Respondent who is a member of a bargaining unit will be via a referral from the Adjudicator to the sanctioning process in the applicable collective bargaining agreement.

Appeals Process

Bases for Appeal. Either party may appeal the hearing decision for the following reasons only: (1) a procedural error unfairly and materially affected the outcome of the case, (2) material evidence has been discovered that was not reasonably available at the time of the investigation, or (3) there was a clear abuse of discretion on the part of the Investigator or Adjudicator, including the presence of a conflict of interest or bias against a party that affected the outcome.

Submitting an Appeal. To appeal, a party must submit a written statement to the Dean of Students or designee (Cases with Student Respondents) or Vice President for Finance and Administration (Cases with Employee Respondents) within five business days of the date of the hearing decision stating, as precisely as possible, the basis for the appeal.

If sufficient information has been submitted to support an appeal on one of the listed bases, the Appellate Official 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 Appellate Official within five 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 Appellate Official.

Written Appeal Decision: The Appellate Official will review all submitted materials, and the pertinent case documents, and render a written decision within ten business days, absent extenuating circumstances. Should additional time be required, the Appellate Official will promptly notify both parties of the revised (expected) timeframe. The Appellate Official will issue a copy of the written appeal decision to parties who are UVM affiliates, in accordance with federal law. The appeal decision may uphold the hearing decision, modify the hearing decision, overturn the hearing decision, or refer the case back to the Adjudicator or Investigator, as warranted. This appeal decision is the final action taken by the University.

Additionally, if the Respondent is a student in a program with established professional standards: At the conclusion of the applicable appeal period outlined above, the Title IX Coordinator shall send a copy of the case file, including investigation report, any Sanctioning decision letter, and any appeal/appeal determination to the program's applicable Dean or Director for student services. While the decision of AAEO, the Center for Student Conduct, 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, program-specific.

SANCTIONING PROCEDURES FOR NON-TITLE IX CASES OF DISCRIMINATION, HARASSMENT, AND SEXUAL MISCONDUCT: STUDENT CASES

Definitions:

In addition to the definitions contained in the [Discrimination, Harassment, and Sexual Misconduct Policy](#) and the [Handling and Resolving Discrimination, Harassment, and Sexual Misconduct Complaints Operating Procedure](#), the following terms are defined by the [Discrimination, Harassment, and Non-Title IX Sexual Misconduct Sanctioning Procedures for Student Respondents](#).

Sanctioning Official: A professional staff member designated by the Center for Student Conduct to render sanctions for Student Respondents.

Initial Meeting and Scheduling:

When the Center for Student Conduct (CSC) receives a Report of Investigation from AAEO that a student has violated the University's Discrimination, Harassment, and Sexual Misconduct Policy, the CSC assigns a staff member to serve as the Case Coordinator for the case at hand. Each party is afforded an opportunity to meet with the Case Coordinator for an Initial Meeting. The purpose of the initial meeting is to discuss the University's sanctioning process and answer any questions about the process. The meeting is strongly encouraged, but is not mandatory.

The Case Coordinator further facilitates the sanctioning process by assigning Sanctioning Officials to the matter, and scheduling the Sanctioning Meeting. The Case Coordinator will notify both parties of their Initial Meeting and Sanctioning Meeting, which will be scheduled as expeditiously as possible, the parties' official UVM email accounts.

Sanctioning Meeting

The sole purpose of the Sanctioning Meeting is to determine the appropriate sanction(s) for violations of the University's Discrimination, Harassment, and Sexual Misconduct Policy, as well as other violations of University policy arising out of the same incident, found by a preponderance of the evidence and detailed in the Report of Investigation. The Sanctioning Meeting is not the appropriate venue to appeal a finding of responsibility issued by AAEO. Sanctioning officials will consider aggravating and mitigating factors, such as those listed in the [University's Discrimination, Harassment, and Non-Title IX Sexual Misconduct Sanctioning Process for Student Respondents](#) policy.

Issuance of Sanctions

Within five days of the Sanctioning Meeting (absent extenuating circumstances), the Sanctioning Official shall compose and send the sanctioning decision to both parties' official UVM email address. The decision letter will state what information was considered and a rationale for the decision that was reached. Additionally, the decision letter will reiterate the parties' right to appeal as detailed in UVM Policy.

Sanction Descriptions

Sanctions that may be imposed include, but are not limited to, the following:

Probation: An official notice indicating that subsequent violations of University policy will result in a review for suspension or dismissal from the University.

Educational Sanctions: The Sanctioning Officials may require completion of a variety of educational sanctions, examples of which may include (1) a reflective essay or a research paper on a designated topic, (2) creating or attending a program, reading books, watching videos, (3) a formal apology, in writing or in person, (4) a presentation, or (5) alcohol or other drug education or referral.

Fines or Fees: The Respondent must pay all fines or fees associated with required education, consultations, and classes, as well as those for sessions with a Certified Drug and Alcohol Counselor. Such fines may be billed to a student's financial account.

Community Restitution: The Sanctioning Officials may also require performance of a specified number of community restitution hours. This sanction will be fulfilled either on or off campus, as specified. On campus service will take place in a specified department.

Suspension from Residence Halls: This sanction prohibits the student from residing in any University operated residence hall on either a temporary or a permanent basis. The Respondent may reapply for housing after the stated period of suspension. Specific restrictions on access to residence halls during the period of suspension may also be imposed. **Suspension from the University:** This sanction separates the student from the University for a specified period of time. This sanction prohibits attendance at any classes and participation in the University Study Abroad program during the suspension period. The terms of the suspension may restrict access to University grounds or buildings, as well as attendance at University-sponsored social events, or other functions, as deemed appropriate by the Center for Student Conduct. The student may not register or enroll until the stated period of suspension is completed and any requirements for the period of suspension are fulfilled.

Deferred Suspension: This sanction is offered to students in lieu of suspension from the University of Vermont and serves as a designated period of time during which a student is given the opportunity to demonstrate the ability to abide by the University's expectations of behavior. The duration of any deferred suspension period, and the specific restrictions imposed, will be determined by the Sanctioning Officials on a case-by-case basis. During a deferred suspension period, the student may continue to attend classes. However, the underlying suspension will be automatically enforced for failure to complete any assigned deferred suspension program or other imposed sanction by the deadline, or for any subsequent violation of University policy. Acceptance into a deferred suspension program is contingent upon successful application.

Dismissal: This sanction separates the student permanently from the University of Vermont.

In addition to the sanctions listed above, the Center for Student Conduct may place a hold on the student's future registration privileges with the University should there be any incomplete sanctions. Such a hold results in a cancellation of all pre-registered courses. The hold remains in effect until the outstanding student conduct matter and sanctions have been resolved. Additionally, a student who fails to comply with sanctions imposed will be billed a \$150 noncompliance fee to the student's account, and the Center for Student Conduct may impose additional sanctions on the Respondent, up to and including dismissal from the University.

Appeals Process

Either party may appeal the final AAEO decision and/or any resulting sanction in accordance with the same process described above for Title IX Cases in the **Appeals Process** section of this report. Appeals decisions by the Dean of Students Office for Non-Title IX Cases may uphold, modify, or overturn the original investigative and/or sanctioning decision, or in appropriate cases refer the matter back to AAEO. The appeal decision is the final action taken by the University.

SANCTIONING PROCEDURES FOR NON-TITLE IX CASES OF DISCRIMINATION, HARASSMENT, AND SEXUAL MISCONDUCT: EMPLOYEE CASES

At the conclusion of the AAEO investigation, the investigator will issue their Report to the Vice President for Finance and Administration. Either party may appeal the findings of the report for the following reasons only 1) a procedural error unfairly and materially affected the outcome of the case, (2) material evidence has been discovered that was not reasonably available at the time of the investigation, or (3) there was a clear abuse of discretion on the part of the Investigator, including the presence of a conflict of interest or bias against a party that affected the outcome.

If sufficient information has been submitted to support an appeal, the VP for Finance and Administration, or designee,

(appellate official) shall provide a copy of the written appeal and any supporting documentation to the other party, who may then submit a response to the appellate official within five business days. The appealing party will receive a copy of any response from the appellate official.

The appellate official will review all submitted materials and pertinent case documents and render a written decision within ten business days, absent extenuating circumstances. Should additional time be required, the appellate official will promptly notify both parties of the revised (expected) timeframe. The appellate official will issue a written copy of the appeal decision to parties who are UVM affiliates.

When the investigation's appeal period has expired, or an appeal decision has been rendered (if applicable), AAEO shall send a copy of the case file, including the investigation report and any appeal/appeal decision, 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 <https://www.uvm.edu/hrs/handbooks-policies>, regardless of whether AAEO finds a violation of policy did or did not occur if unprofessional behavior is substantiated. The AAEO Director must also notify the Complainant of the final outcome, and rationale therefore, of that disciplinary process.

POLICY LISTING

Discrimination, Harassment, and Sexual Misconduct Policy:

http://www.uvm.edu/policies/general_html/sexassault.pdf.

Handling and Resolving Discrimination, Harassment, and Sexual Misconduct Complaints Operating Procedure:

<https://www.uvm.edu/sites/default/files/UVM-Policies/policies/discrimcomplaints.pdf>

Hearing Procedures for Title IX Offenses Involving Student Respondents:

<https://www.uvm.edu/sites/default/files/UVM-Policies/policies/StudentHearingProcedures.pdf>

Hearing Procedures for Title IX Offenses Involving Employee Respondents:

<https://www.uvm.edu/sites/default/files/UVM-Policies/policies/employeehearingprocedures.pdf>

Discrimination, Harassment, and Non-Title IX Sexual Misconduct Sanctioning Procedures for Student Respondents

https://www.uvm.edu/sites/default/files/UVM-Policies/policies/sanction_procedures.pdf

No Trespass Operating Procedure:

http://www.uvm.edu/policies/general_html/notrespass.pdf.

Code of Student Conduct:

<http://www.uvm.edu/policies/student/studentcode.pdf>

DRUG AND ALCOHOL OFFENSES

POLICY STATEMENTS & DRUG FREE CAMPUS DESIGNATION

All students, faculty, staff, and visitors are subject to local, state and federal laws, as well as University drug, alcohol, and tobacco policies, while on University-owned or leased properties or while involved with off-campus activities sponsored by the University or a recognized University organization.

Drug-Free Campus

The UVM Campus is a drug-free campus. The possession, use, sale, manufacture, and distribution of controlled/illicit drugs substances, including cannabis, is illegal under local, state and/or federal laws and strictly prohibited by University policy. The possession or use of drug paraphernalia is also strictly prohibited by UVM Policy.

Of specific note, the possession and use of cannabis (defined as the parts, products, and non-hemp derivatives of the plant cannabis sativa, indica, ruderalis and hybrid strains, including medical marijuana) on University property and at University activities is strictly prohibited by UVM policy, regardless of any state law to the contrary. Cannabis is a Schedule 1 Controlled Substance under the Controlled Substances Act and is strictly prohibited under federal law. Both the furnishing of cannabis to and possession of cannabis by parties under 21 years of age is also illegal under Vermont state law. Purchasing or furnishing cannabis or other illicit drugs to an underage person, or enabling an underage person to access, purchase, or consume cannabis or other illicit drugs is strictly prohibited by UVM Policy.

Tobacco-Free Campus

The UVM Campus is a tobacco-free campus. The possession and use of tobacco, tobacco products, and tobacco substitutes on University property is strictly prohibited by UVM Policy. Additionally, the possession and purchase of tobacco products, tobacco substitutes, and tobacco paraphernalia by persons under 21 years of age is strictly prohibited by Vermont state law.

University Alcohol Policy

Possession or consumption of alcohol on University Property or at University Activities is allowed only by individuals 21 years of age and older and only in areas designated by the University for the sale or consumption of alcohol. Possession or consumption of alcohol by individuals under the age of 21, or possession or consumption of alcohol at any University property or activity that is not specifically designated for the sale or consumption of alcohol is strictly prohibited by UVM Policy. Possession or consumption of alcohol in on-campus residence halls is strictly prohibited by UVM Policy.

The possession, sale or the furnishing of alcohol on the University campus is governed by UVM Policy and Vermont state law. The legal drinking age in Vermont is 21. If you are under 21 it is illegal for you to have in your personal possession an alcoholic beverage, knowingly or willingly misrepresent your age to obtain alcohol, enter or attempt to enter any licensed premises or otherwise identified as prohibiting to minors. It is illegal to loan your ID to someone else, use an ID belonging to someone else, or falsify an ID. It is illegal to furnish or make alcohol available to a minor in any fashion, including selling or collecting party donations.

Enforcement of Drug, Tobacco, and Alcohol Laws

State and federal laws, as described above, are strictly enforced by UVM Police Services. Violators are subject to University disciplinary action, criminal prosecution, fine, and imprisonment, as applicable.

For information regarding federal and state laws regarding drug use please contact the Office of the U.S. Attorney General in Burlington at 951-6725 and the Office of the State's Attorney in Burlington at 863-2865.

DRUG AND ALCOHOL ABUSE EDUCATION PROGRAMMING

The University of Vermont takes the issue of alcohol and substance misuse seriously, regarding the issue as one which threatens the health and wellbeing of individuals and its community as well as representing a significant barrier to the effective engagement of students in their academic and co-curricular endeavors.

- The high prevalence of alcohol and substance misuse among the college student population is acknowledged and is a topic of discussion and earnest effort.
- Senior leadership takes an active role in articulating concerns about supporting the implementation and maintenance of evidence-informed prevention measures.
- The University has implemented a variety of *systems-oriented* initiatives designed to mitigate the impact of alcohol misuse on students and the community.
- Students and the larger campus community are the recipients of effective educational efforts intended to provide knowledge about the scope of the issue and the social, health, and legal issues associated with use.
- Students actively engage in self-reflection in their personal decision-making regarding the use of alcohol and other drugs.
- All segments of the community – students, faculty, staff, and appropriate representatives from the larger Burlington area – are engaged and mobilized in efforts to effect these outcomes.

With specific focus on the issue of high risk drinking, the University's efforts over the last eight years have resulted in a decrease in the prevalence of high risk drinking from 57% to 38%. EverFi, a national consortium of institutions of higher education working to ensure the use of best practices in issues related to student health, wellbeing, and success, recognized the University's efforts with an inaugural Excellence Prevention Award in the Spring of 2017.

Annual Notice

On an annual basis, the University distributes in writing to each employee and each student taking one or more credits:

- Notice of the University's policy regarding the unlawful possession, use, or distribution of alcohol and illicit drugs by students on its property or as part of any of its activities;
- A description of the applicable legal sanctions under local, State, and Federal law for the unlawful possession or distribution of drugs and alcohol;
- A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- A description of drug and alcohol counseling and treatment options available to students and employees;
- A clear description of the University's disciplinary response to students and employees who violate the University's policy regarding alcohol and illicit drug use.

AlcoholEdu for College Students

The University of Vermont continually takes active steps to reduce unsafe alcohol use on campus. Toward that end, every incoming student under age 21 is required to complete *AlcoholEdu for College Students*, an online tangible population-level prevention program that challenges students' expectations around alcohol while encouraging students to make healthier and safer decisions, and to reduce risk. For more information, please email the Dean of Students Office at deanofstudents@uvm.edu.

BASICS

The BASICS program is designed to help students explore their alcohol and drug use in a supportive and non-shaming environment. The program is based on research conducted at the University of Washington and Western Washington University. Its aim is to reduce high-risk use of alcohol and other drugs as well as the harmful problems associated with misuse.

Any UVM student is welcome to participate in BASICS at no cost. Some students are required to attend as part of an athletic team or fraternity and sorority life chapter. Other students attend as a result of a conduct violation.

If you would like to participate in the BASICS program, or if you have any questions, contact:

Tom Fontana at tom.fontana@uvm.edu

Biennial Review

In accordance with the *Higher Education Act of 1965* and the *Drug-Free Schools and Communities Act*, the University conducts a biennial review of its alcohol and other drug comprehensive prevention program to:

- Determine its effectiveness and implement changes to its comprehensive alcohol and other drug prevention program and policies, if they are needed
- Ensure that its disciplinary sanctions are consistently enforced.

For more information about the Biennial Review, contact the Dean of Students' office at DeanofStudents@uvm.edu.

POLICY LISTING

Alcohol, Tobacco, Cannabis and Other Drug Use - Students: www.uvm.edu/policies/student/drugandalco.pdf.

Alcohol, Tobacco, Cannabis and Other Drug Use – Faculty and Staff – (Drug-Free Workplace Policy):
http://www.uvm.edu/policies/general_html/drugfreeworkplace.pdf.

Tobacco and Cannabis-Free Policy: http://www.uvm.edu/policies/general_html/tobacco.pdf.

HEALTH RISKS, TREATMENT, & SUPPORT SERVICES

Serious health and personal risks are associated with the use of illegal drugs, misuse of prescription drugs, and abuse of alcohol. They include temporary or permanent physical or mental impairment, and injury or death. Use and abuse of such substances may lead to conduct which causes injury, death or damage to the user/abuser or to the person or property of others. Abuse and misuse of drugs and alcohol can have serious negative consequences.

The Center for Health and Well-being provides overall coordination of the **Drug-Free School Program**, which provides services related to drug use and abuse including dissemination of informational materials, educational programs, counseling services, and referrals. More information can be found at <https://www.uvm.edu/health> (students) or <https://www.uvm.edu/hrs/wellness> (employees).

Support Services Information

Catamount Recovery Program

The UVM Catamount Recovery Program (CRP) provides an affirming and empowering community for students in recovery from substance misuse. The CRP creates a supportive environment within campus culture that reinforces the decision to engage in a recovering lifestyle. CRP students have educational, academic, advisory, community building, and programmatic opportunities that support their decision to maintain their recovery as well support their academics and gain skills for life. Through its holistic approach to continuing care, the Catamount Recovery Program helps to provide a supportive college experience for students in recovery.

The CRP provides opportunities for students to engage with one another, develop community and support, and participate in a true college experience. Activities, events, meetings, service work, advocacy, recovery-based housing, one-on-one support, collaborations, referrals and social media all offer means to develop these connections.

For more information about the Catamount Recovery Program, visit: <https://www.uvm.edu/health/CRP>

Counseling and Psychiatry Services (CAPS)

UVM Counseling and Psychiatry Services offers free, confidential, mental health counseling to UVM Students. CAPS can provide help to students with concerns about alcohol or other drug use. For more information visit <https://www.uvm.edu/health/CAPS> or call 802-656-3340 to schedule an individual session.

CAPS Recovery Group

In addition to individual counseling sessions, CAPS offers group counseling, and hosts a weekly recovery group for people who are substance-free for at least 30 days and interested in exploring issues that arise as part of living a substance free life. Participants may be involved in formal recovery programs for this group, but this is not a requirement. For more information about CAPS group counseling, visit <https://www.uvm.edu/health/group-counseling>. If you are interested in joining the CAPS Recovery Group, call 802-656-3340 to schedule a pre-group meeting.

Employee Assistance Program

UVM's Employee Assistance Program, Invest EAP, is a Vermont-based public and private non-profit collaborative. Invest EAP provides UVM Employees with a confidential hotline to immediately access clinical counseling services ([1-866-660-9533](tel:18666609533)), as well as onsite counseling appointments. Invest EAP can provide help to employees with concerns about alcohol or other drug use, as well as any number of other concerns or stressors. For more information visit <https://www.uvm.edu/hrs/wellness/wellnessatwork> or call Invest EAP at (866) 660-9533. To schedule an onsite counseling appointment, follow the directions at <https://www.uvm.edu/sites/default/files/Employee-Wellness/InvestEAP.pdf>.

WEAPONS OFFENSES

POLICY STATEMENT & POLICE NOTIFICATION

The possession of firearms, fireworks, explosives, incendiary devices or weapons of any kind, and replicas or facsimiles thereof, (collectively “weapons”) is prohibited on UVM property and facilities including residence halls, grounds, leased spaces, and personal vehicles in UVM parking lots, as they pose a substantial danger to the safety of all residents.

Exceptions may be made with permission from the Chief of Police or designee for academic or other legitimate purposes. Certified Law Enforcement Officers may wear a firearm while on campus in accordance with appropriate federal, state, and local law, as well as their department policy, rules, and regulations.

UVM will impose disciplinary sanctions upon students and employees who possess weapons in violation of University policy. Any person found responsible for a weapons offense will be subject to University disciplinary sanctions up to, and including, immediate suspension or dismissal and referral to federal and/or state law enforcement officials for criminal prosecution.

For information regarding federal and state laws regarding weapons possession please contact the **Office of the U.S. Attorney General in Burlington** at (802)-951-6725 or the **Office of the State’s Attorney** (Burlington) at (802)-863-2865.

The full text of the University’s Weapons and Explosives Policy can be found at http://www.uvm.edu/policies/general_html/firearms.pdf.

MISSING STUDENTS

POLICY STATEMENT & POLICE NOTIFICATION

In the event that a faculty or staff member obtains information that a residential student is or may be missing, he or she must notify UVM Police Services immediately. Students are urged promptly to report to a Residential Life staff member (for students residing on campus) or directly to UVM Police Services if a student living in University housing is missing or thought to be missing. Upon notification that a student is or may be missing, UVM Police Services shall respond through the exercise of reasonable professional judgment to investigate and make a determination as to whether the student is missing, including appropriate notification of institutional officials and other law enforcement agencies.

CONFIDENTIAL MISSING STUDENT CONTACT

At the beginning of each academic year, the University will notify all residential students of the **right to identify an individual to be contacted by the University in the event that the student is determined to be missing**. This “missing student contact” may be designated by all students by using the [myUVM portal](#). Missing student contact information will be maintained confidentially, and will only be used by authorized campus officials and law enforcement in the event that a student is determined to be missing; the information will not be disclosed outside of a missing person investigation. The individual identified by the student for this purpose will be contacted only in the event that the student is determined to be missing, in accordance with the University’s [Missing Student Policy](#). If a student under the age of 18 who is not emancipated is determined to be missing, the University will notify the student’s parent(s) or guardian, in addition to the designated contact person. The designated contact person or parent(s)/guardian will be contacted as described above within 24 hours of a student being determined to be missing. In addition to UVM Police Services, other appropriate law enforcement agencies will be notified within 24 hours, regardless of whether the student has provided a contact person, is over 18, or is an emancipated minor. Missing student contact information is separate from emergency contact information, and all students may designate both a missing student contact and an emergency contact in the myUVM portal.

DESIGNATION OF MISSING STUDENT CONTACT

The University recommends that students update their missing student contact information at the beginning of each academic year, at a minimum. Students are solely responsible for the accuracy of the information provided and updating the information when needed. Students are encouraged to notify their missing student contact that they have been designated as such.

In addition to a missing student contact, the University recommends all students designate an emergency contact, which may or may not be the same as their missing student contact. The emergency contact shall be used in the event of a health or safety emergency.

Every student (residential and non-residential) may enter or change a designated emergency contact and/or missing student contact at any time by updating the information through myUVM. To update this information, log into myUVM at <https://myuvm.uvm.edu> and navigate to the “Registrar” tab. Here, students may select which contact to add or update, and input the appropriate contact information.

The full text of the University’s Missing Student Policy can be found at:
http://www.uvm.edu/policies/general_html/missingstudent.pdf.

CAMPUS SECURITY AUTHORITIES (“UVM REPORTERS”)

OVERVIEW & STATEMENT OF COMPLIANCE

The University encourages all members of the campus community to contact UVM Police Services when they have been the victim of, or have witnessed, criminal actions, and to contact the Office of Affirmative Action and Equal Opportunity (AAEO) if they have experienced or witnessed acts of discrimination, harassment, or sexual misconduct. The University, and in some cases federal law, further requires certain employees (“UVM Reporters”) to make such reports, as outlined herein. UVM Reporters are identified and notified annually by the University's Clery Act Coordinator of their responsibilities. The category of “UVM Reporters” includes all individuals designated Campus Security Authorities (CSAs) under the Clery Act.

IDENTIFICATION OF UVM REPORTERS

It is the responsibility of the University's Clery Act Coordinator, in cooperation with the Vice Provost for Student Affairs and the Campus Title IX Coordinator, to annually identify who, as a result of their job duties at the University, has legally required reporting responsibilities (“UVM Reporters”). UVM Reporters are identified as, but not limited to:

- Members of the University of Vermont Department of Police Services and contract security personnel;
- Supervisors, managers, or higher level employees;
- Any chair, director, or dean of an academic unit;
- All full and part-time faculty members;
- Personnel with oversight responsibilities for students or student employees;
- Advisors to recognized student organizations;
- Coaches and coaching staff;
- Any other individuals considered to be a Campus Security Authority pursuant to the Clery Act

The annually compiled list of UVM Reporters, as well as copies of submitted crime statistic reports by the same, are retained by the University's Clery Act Coordinator.

Based on the list compiled by the Clery Act Coordinator, an annual notice will be distributed to all UVM Reporters via their official @uvm.edu email addresses informing them of their responsibilities under the Clery Act, various non-discrimination laws, and University policy. Should a UVM Reporter not possess an official UVM email address, the annual notice will be distributed to them via the email address they have provided the University for official communications. This notice also contains basic educational materials about reporting obligations and process. Additionally, the University **strongly encourages** all UVM Reporters to complete a training program annually to familiarize themselves with their legal obligations. A copy of the presentation, called “Required Reporting at UVM: Clery Act, Title IX and Beyond,” is available at: <https://www.uvm.edu/police/uvm-reporters-campus-security-authorities>. For information about how to register for an in-person training session, UVM Reporters should contact UVM's office of Professional Development & Training at 802-656-5800.

EXEMPTIONS FROM UVM REPORTER STATUS

Professional counselors²² employed by the University whose official responsibilities include providing confidential mental health counseling to members of the campus community are exempt from the above listed reporting responsibilities when acting within the scope of their license. However, while not required by law or policy, these individuals are encouraged to discuss the possibility of filing a voluntary crime report to the appropriate law enforcement agency or University office with

²² The University of Vermont does not employ any individuals as pastoral counselors at this time. By law, any individual employed by the University primarily as a licensed pastoral counselor without other job duties triggering mandatory reporting requirements would be considered confidential and exempted from the reporting obligations described in this section when acting within the scope of their license.

clients who have experienced crime, in addition to assisting their accessing both on-campus and community resources.

Medical and healthcare providers, including Athletic Trainers, who are employed by the University in Student Health Services or Athletic Medicine, both within the Center for Health and Well-Being, are required to provide anonymous reports of criminal incidents to UVM Police Services for statistical purposes when incidents are disclosed to them in the scope of practice. Medical providers do not share patient information with UVM Police Services or AAEO absent the express consent of the patient.

CAMPUS VICTIM'S ADVOCACY SERVICES

Campus Victim's Advocacy Services are available to all members of the campus community who are victims or bystanders of sexual assault or rape, violent or potentially violent relationships, gender-based stalking, sexual harassment, physical assault, emotional or mental assault, bias-related incidents, hazing, sexual exploitation, and other related types of victimization. Victim's Advocacy services are provided through the Center for Health and Well Being and HopeWorks. Providers of Campus Advocacy services for UVM are UVM Reporters and are required to provide anonymized reports of certain criminal incidents (Clery Crimes) to UVM Police Services for inclusion in the Annual Security Report. Campus victim's advocacy services are confidential and a victim's name will not be reported without the individual's explicit consent.

More information about UVM's Campus Advocacy Services is available at <https://www.uvm.edu/health/sexual-violence-support-and-advocacy>. To contact an advocate, call 802-863-1236 or visit <https://hopeworksvt.org>

REPORTING PROTOCOL FOR UVM REPORTERS

UVM Reporters are ***required*** to report certain (alleged) crimes, including hate crimes and instances of sexual misconduct, of which they become aware to help inform whether a timely warning or emergency notification to the campus community is warranted; to allow Police Services to optimize the safety of our campus community; to ensure proper statistical inclusion of reported crimes in the University's Annual Security Report, in compliance with federal law; to facilitate and ensure appropriate support and institutional response in cases of discrimination and harassment, including all forms of sexual misconduct.

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

In all other cases, upon the receipt of information that a crime or incident of discrimination or harassment (including sexual misconduct) has occurred, the UVM Reporter **MUST**:

1. **Promptly fill out a crime statistic form** at www.uvm.edu/police/csa, regardless of whether the individual who disclosed the incident to you chooses to file a police report, as outlined above.

*The name of the alleged victim(s) should **not** be included **unless**:*

- The incident involves abuse or neglect of minors²³ or vulnerable adults²⁴;

²³ 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 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](#). DCF Child Abuse Hotline: 1-800-649-5285 UVM Police Services: (802) 656-3473

²⁴ Vermont law further **requires** that certain professionals listed in 33 V.S.A. § 6903 report within 48 hours to the Vermont Department of Disability, Aging, and Independent Living any incident arising as to which there is reasonable cause to believe a vulnerable adult has been abused or neglected by calling the Abuse Reporting Hotline at 1-800-564-1612. In addition, to protect optimally the safety of vulnerable adults who are participating in University programs and activities, the University **requires** any employee who has reasonable cause to believe that a vulnerable adult participating in such program or activity has been abused or neglected to report the concern promptly to the Department of Disability, Aging, and Independent Living 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 [Vulnerable Adults; Reporting Abuse, Neglect or Exploitation of, and Crimes University Operating Procedure](#). Abuse Hotline: 1-800-564-1612

UVM Police Services: (802) 656-3473

- The incident presents an “imminent or continuing threat of harm”²⁵; or
- The UVM Reporter is given permission to do so.

UVM Reporters are not responsible for determining authoritatively whether a crime took place. A report should be made based on the information currently available to them, including location, name(s) of alleged perpetrators or witnesses, and an incident description.

2. **Promptly contact AAEO** to facilitate appropriate support and institutional response, if the (alleged) incident involves discrimination or harassment:
 - **Sexual Harassment and Misconduct:** TitleIX@uvm.edu or Title9@uvm.edu
 - **All Other Forms of Discrimination and Harassment:** [Bias, Discrimination & Harassment Incident Reporting Form](#)
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 incident of discrimination or harassment. Information on confidential and non-confidential resources is available in the [COMMUNITY AND SUPPORT RESOURCES](#) section of this report (see page 49). The University must respect the decision of the individual not to report an incident to law enforcement, unless otherwise required by law.

A copy of the full Designation and Responsibilities of UVM Reporters Operating Procedure can be found at <http://www.uvm.edu/policies/riskmgm/campussecuritu.pdf>.

²⁵ The University presumes as a matter of policy that incidents of relationship violence and stalking constitute a continuing threat of harm to the targeted individual, thereby requiring notification of UVM Police Services, including names of the individuals involved, to maximize both personal and campus safety, unless such notification by the UVM Reporter is constrained by law (e.g. doctor-patient confidentiality).

UNIVERSITY CODES OF CONDUCT & DISCIPLINARY PROCESSES

POLICY STATEMENT & INTRODUCTION

Where there is reason to believe that University rules and policies have been violated, the University will pursue strong disciplinary action through established channels. During the applicable disciplinary process, the rights of the parties are as described in the following policies and procedures.

Policy and procedures for allegations of discrimination, harassment, and sexual misconduct are detailed in the “OFFENSES OF DISCRIMINATION, HARASSMENT, AND SEXUAL MISCONDUCT” section of this report (see page 10).

CODE OF STUDENT CONDUCT

By formulating a general student code of conduct, the University reaffirms the principle of student freedom coupled with personal responsibility and accountability for individual action and the consequences of that action. Reports of a perceived violation of the Code of Student Conduct may be made to the **Center for Student Conduct** by contacting the Director at (802) 656-4360 or visiting <http://www.uvm.edu/sconduct>. Perceived criminal activity reported to UVM Police Services will be appropriately investigated, and a report forwarded to the Center for Student Conduct, when a student is the (alleged) perpetrator. To the extent possible, the Center for Student Conduct will wait for the outcome of any investigation and accompanying report, such as a police report, before proceeding with the conduct process.

Upon receipt of a report from any source, Center for Student Conduct will evaluate the report and determine whether, if the facts as alleged were proven, the conduct would be a violation of this Code. The Center for Student Conduct may decide, in its sole discretion and based on this review, whether to proceed with the conduct process by way of a formal conduct hearing or by way of an alternate process, such as administrative action, mediation, or others as fully outlined in the Code. Any student found responsible for violation of the Code will be subject to University disciplinary sanctions up to, and including, immediate suspension or dismissal. For the full range of sanctions available to and considered by the Center for Student Conduct, please see [Section I\(1\) of the code](#). For information about incidents of discrimination, harassment, and sexual misconduct, refer to the OFFENSES OF DISCRIMINATION, HARASSMENT, AND SEXUAL MISCONDUCT section of this report.

Upon conclusion of the discipline process, the Center for Student Conduct will provide a written decision (sent via the Respondent’s University email account) stating what evidence was considered and a rationale for the decision that was reached. If the Respondent is found responsible, the decision will state what sanctions will be imposed. In cases involving a Complainant and Respondent, and where the allegations include conduct that could constitute a crime of violence, the Complainant will be copied on the decision letter to the Respondent.

The full text of the University’s Code of Student Conduct can be found at:
<http://www.uvm.edu/policies/student/studentcode.pdf>

LARNER COLLEGE OF MEDICINE FITNESS COMMITTEE

Students in the Larner College of Medicine are expected to meet, at a minimum, the behavioral expectations found in the University’s Code of Student Conduct and the University’s Discrimination, Harassment, and Sexual Misconduct Policy, and are subject to the procedures outlined therein. Violation of University policy, including the commission of any criminal act, may result in sanctions up to and including dismissal from the Larner College of Medicine. In addition, students’ fitness for a career in medicine may be called into question at any time by a member of the faculty of the Larner College of Medicine by making a report to the College’s Committee on Fitness. When a report of (alleged) criminal conduct is made to the Committee on Fitness, the Committee shall be convened to review the conduct, any related reports from Police Services, or other appropriate University office, and to conduct any additional investigation that may be necessary. The student is notified of charges and provided an opportunity for a formal hearing before the Committee, which is responsible for

determining appropriate sanctions.

The full text of the Larner College of Medicine Medical Student Handbook can be found at:

<http://www.med.uvm.edu/studenthandbook/home>

OTHER COLLEGE AND DEPARTMENT STUDENT HANDBOOKS

Colleges and departments have the ability to create student handbooks that include professionalism expectations as related to their individual disciplines. In addition to the policies and procedures listed above, students should refer to their college or department websites to review the terms of these handbooks and the disciplinary procedures described for violations of professionalism standards.

STUDENT ATHLETE HANDBOOK AND CODE OF CONDUCT

The Department of Athletics has established a Student Athlete Handbook, which includes a Student Athlete Code of Conduct containing additional conduct rules and expectations for student athletes. The Student Athlete Code of Conduct is available online at:

https://uvmathletics.com/documents/2021/8/31/Student_Athlete_Code_of_Conduct_and_Drug_Testing_Consent_2021_22.pdf

EMPLOYEE CODE OF CONDUCT

The University has a Code of Conduct and Ethical Standards for employees, which outlines expectations for employee conduct and disciplinary processes for employees. It is available online at

http://www.uvm.edu/policies/general_html/businessconduct.pdf.

Additionally, employees, including both staff and faculty, are subject to discipline for violation of work rules, criminal conduct, or other conduct that presents a threat to the health and safety of the campus community. When a report of alleged misconduct is received by a supervisor, that supervisor is required to notify Police Services if the alleged conduct is criminal in nature. If the alleged conduct may constitute a violation of the University's Discrimination, Harassment, and Sexual Misconduct Policy, the supervisor must report the incident to the Affirmative Action and Equal Opportunity (AAEO) Office and/or Police Services in accordance with the University Operating Procedure on Designation and Responsibilities of UVM Reporters. Upon completion of an investigation by Police Services or AAEO, a report is provided to the supervisor to determine appropriate discipline after the employee is provided an opportunity to respond to any alleged conduct before a final determination is made.

Processes related to discipline of Non-Represented Employees, including information on sanctions, may be found in the Staff Handbook, available online at:

<https://www.uvm.edu/hrs/handbooks-policies>

Processes related to discipline of Represented Faculty and Staff, including information on sanctions, may be found in the applicable collective bargaining agreement. All collective bargaining agreements are available online at:

<https://www.uvm.edu/hrs/handbooks-policies>

INSTITUTIONAL EMERGENCY RESPONSE

In the event of an emergency, always call 911

POLICY STATEMENT & INTRODUCTION

The University has taken steps to prepare for emergency situations, as the University of Vermont's resilience is directly related to its ability to manage the unexpected by maintaining critical functions during and following an emergency. The University has developed an Emergency Operations Plan and has in place an Emergency Management and Institutional Continuity policy in order to ensure emergency readiness, and maintains a trained group of key administrators called the Emergency Operations Group (EOG) to manage operational decisions in campus-wide emergencies.

Additionally, in the interest of campus health and safety and in keeping with federal law, UVM maintains a robust emergency alerting system called **CatAlert** to notify the campus community (or segments of the campus community) upon confirmation by UVM Police Services that a significant emergency or dangerous situation involving an immediate or continuing threat to the health or safety of students or employees is occurring on or near UVM campus (within Clery geography). Notifications may also be distributed for other situations and by different methods as appropriate and detailed below.

EMERGENCY MANAGEMENT AND READINESS

Emergency Management

During a disaster or campus crisis and in accordance with the University's [Emergency Management Institutional Continuity Policy](https://www.uvm.edu/policies/riskmgm/emergency.pdf) (<https://www.uvm.edu/policies/riskmgm/emergency.pdf>), the President (or the next most senior available administrator) has ultimate responsibility and authority for declaring (and ending) a "state of campus emergency," setting direction as to how the emergency will be managed, and making key executive decisions. At the appropriate time, the President (or next most senior administrator) will declare an end to the "state of campus emergency." The President will be advised by a Policy Group of senior executives and has delegated institution-wide operational decisions to the Emergency Operations Group (EOG) composed of key administrators and led by a designated EOG Manager. The Vice President for Operations and Public Safety serves as the link between the Policy Group and the EOG.

The Emergency Operations Group meets monthly to ensure readiness for an emergency situation. When an emergency exceeds the capacity of the on-scene Incident Commander or the nature of an emergency requires a University-Wide response, the Emergency Operations Group will be assembled under the direction of either the Vice Provost for Student Affairs or the UVM Emergency Manager, depending upon the nature of the emergency. The Emergency Operations Group will be supported by an on-scene incident commander who will provide situational updates and integrate into the unified command.

The University maintains a detailed Emergency Operations Plan, (https://www.uvm.edu/emergency/preparing_and_planning_emergencies) that describes how the University will respond to emergencies of varying scope and scale, and details the protocol for EOG activation and response.

Tests will be conducted at least annually on UVM's ability to respond to an emergency, **including activation of its Emergency Operations Group and a table-top exercise involving a campus-based scenario**. Participants will include the Emergency Operations Group, their designated back-ups, select Emergency Support Function representatives, and at least one member of the Policy Group. Additional tests will involve evacuation drills (see [Campus Emergency Evacuation Procedures](https://www.uvm.edu/riskmanagement/evacuation-procedures) at: <https://www.uvm.edu/riskmanagement/evacuation-procedures>) overseen by the Campus Fire Marshal.

Incident Command System

During an on-campus emergency, the University follows the **Incident Command System (ICS) model** which includes an on-scene Incident Commander (often from UVM Police Services), and an Emergency Operations Center (staffed by the Emergency Operations Group) that can be activated to support Incident Command during a major emergency. A separate

Policy Group of senior leaders is available, as needed.

Official Communications in Emergency Situations

The following methods and resources may be used by the University to provide updates to the campus community and the general public, in addition to the CatAlert system, in the event of an emergency situation on the University campus.

- **CatAlert System:** The University has licensed a multi-modal alerting system (automated email, with opt-in text messaging, phone calls, paging, social media) to be used to notify the campus community of pending or current emergency situations, and to provide direction (for example: evacuation or shelter-in-place). The CatAlert system is described in more detail in the CatAlert System, Warnings, & Notifications section of this report (*see page 42*). This system will generally be used for campus-wide communications in emergency situations.
- **Emergency Operations Information Line:** A special Emergency Operations Information Line with a recorded message has been established (802-656-0000) and can be used to help keep faculty, staff, students, parents, and the community at large updated regarding an emergency.
- **Voice Mail and E-Mail Broadcast Capabilities:** As an alternative to the CatAlert System, broadcast voice mail (using Nortel Meridian) or broadcast e-mail (using UVM E-mail System) may be sent to everyone on campus with hardwired phones and/or computer access.
- **Incoming Call Center:** During a type 1 or 2 emergency, as defined within the University's [Emergency Operations Plan](#), or when the nature of the emergency suggests there will be an influx of telephone inquiries concerning the well-being of faculty, staff, and students, a special incoming 800 number will be announced through the UVM website, national media, and other appropriate means; a multi-seat call center will be opened.
- **In-Person Notification:** Should both the phone and data network be unavailable, staff will be dispatched by the Emergency Operations Group to alert key leaders in each building, who will be expected to alert others in their building. At the direction of the Supervisor in charge of Police Services, UVM police officers can/may also make announcements through the speakers on their patrol cars.
- **Use of Social Media (e.g. Facebook, Twitter):** Through the CatAlert System, or direct entry by the EOG Public Information Officer, UVM's social media sites can be populated with information concerning a campus emergency.
- **Use of Websites:** The UVM website will display a banner across the top of all pages with emergency information. The UVM Emergency Management home page will provide emergency information and updates.
- **Use of Local Media (TV, radio, newspapers, etc.):** When appropriate, a media briefing center will be established by the Public Information Officer of the Emergency Operations Group and the local media will be advised and regularly updated. Written emergency communications, both on and off-campus, will be coordinated by the Public Information Officer, or his/her designee. During a winter weather emergency, any closing or delayed opening information will be displayed on the banner on local TV stations during morning newscasts.
- **Radio Communications:** UVM has a robust radio communications system utilizing multiple commercial and public safety repeaters. During a large incident, the EOG would also utilize the Mansfield Repeater to communicate with the State Emergency Operations Center and with area higher education institutions. UVM Emergency Management has access to emergency operations channels used by area public safety agencies and interoperability channels used nationally.
- **Building Alarms:** When appropriate, building fire alarms may be activated signaling the need for an evacuation of the facility. A fire alarm can be activated by anyone using the facility by pulling the nearest alarm box.

CATALERT SYSTEM, WARNINGS, & NOTIFICATIONS

The *CatAlert* system is a multi-modal alerting system which automatically sends notifications to all uvm.edu e-mail addresses, and allows members of the campus community to opt-in for additional telephone and text-message / SMS based alerts. *CatAlert* notifications are also automatically posted to the University's Office of Emergency Management homepage (<http://www.uvm.edu/emergency/>).

In order to facilitate the CatAlert notification process, all emergencies should be reported to UVM Police Services by calling 911 (from a campus phone whenever possible). Calls placed from cell phones or off-campus telephones related to an emergency on-campus will be routed through the E911 Dispatch Center in Williston, Vermont to UVM Police Services. Additionally, since such events may originate beyond the borders of the campus, UVM Police, Burlington Police, and South Burlington Police collaborate and share information on a daily basis.

Public Awareness and Testing

Every semester, the UVM Emergency Manager (for faculty and staff) and the Vice Provost for Student Affairs (for students) will send an e-mail describing the purpose of the CatAlert System, how it works, and providing notice that a test of the system will occur twice a year.

Twice a year, the University's Emergency Manager will initiate (or authorize the initiation of) a test emergency response alert message (usually in September and January). Faculty, staff, and students (all UVM affiliates) are given advance notice of the upcoming test via email sent to their official UVM email account. A description of the CatAlert system and emergency notification procedures, a description of and link to the University's emergency response and evacuation procedures, and encouragement to sign up for expanded notifications (which can include phone call and/or text message notifications for up to three phone lines) are included in the notice of the upcoming test. A record of all such tests, including a description of the test, the date, time, and whether the test was announced or unannounced is accessible from the **UVM Emergency Management website at:**

https://www.uvm.edu/emergency/catalert_campus_alerting_system.

Timely Warning

When a confirmed Clery crime occurs on campus, or in a geographic area near to campus (i.e. within Clery geography), that represents a serious and continuing threat or the possibility of a continuing threat to the safety of the UVM community, a timely warning will be made to alert the campus community of the incident. Whenever a timely warning is sent, it shall be sent to the entire campus community. At no time shall the names or other identifying information of the victim(s) be included as part of a timely warning.

Timely warnings are distributed through the University's Emergency Notification system, *CatAlert*, which is capable of sending an e-mail communication to all members of the University community.

The decision whether to issue a timely warning will be made on a case by case basis through consultation with appropriate University officials. Appropriate officials may include but are not limited to Police Services Sergeants and leadership or their designee, the Emergency Management Coordinator, members of the University's Emergency Operations Group, UVM General Counsel, and the Title IX Coordinator. Timely warning notices will normally be issued by UVM Police Services, and all UVM Police leadership staff and Sergeants are empowered to authorize a timely warning. A timely warning will not be issued if it is determined the risk of compromising efforts to contain an emergency outweighs the benefit to the campus community of a particular warning. Periodic updates to timely warnings may be disseminated as information becomes available, but are not sent for all timely warnings.

Emergency Notification

In addition to the above procedures for initiating a timely warning, the University has a policy and procedures in place for immediate emergency response and evacuation. Emergency Notifications shall be issued upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on campus. Generally, Emergency Notifications will be issued via the *CatAlert* system. Other emergency notification systems may also be utilized, including fire and carbon monoxide alarm systems to alert individuals immediately impacted by an imminent emergency in a building, or in rare cases on-site announcement of emergency by first responders. Some examples of significant emergencies or dangerous situations include but are not limited to outbreaks of serious illness, approaching extreme weather conditions (e.g. hurricane, tornado, etc.), earthquakes, gas leaks, terrorist incidents, armed intruders, bomb

threats, civil unrest or rioting, explosions, and nearby chemical or hazardous waste spills. All members of the University community are automatically enrolled to receive CatAlert emergency notifications at their official University of Vermont email address and may opt in to have CatAlert emergency notifications sent to them by any or all of the following additional means: text message and/or voice message to a cell phone, campus phone and/or home phone. Directions for opting into additional means of notification are described in the CatAlert Registration section of this report.

As appropriate, emergency notifications may be targeted at the full campus community, or at a limited segment or segments of the campus community that is at risk. The University will, without delay, and taking into account the safety of the community, determine the content of an emergency notification and initiate the notification system unless issuing a notification will, in the professional judgement of UVM Police Services and/or the Emergency Operations Group, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The decision whether to issue an emergency notification will be made on a case-by-case basis through consultation with appropriate University officials. Appropriate officials may include but are not limited to Police Services Sergeants and leadership or their designee, the Emergency Management Coordinator, members of the University's Emergency Operations Group, and the Emergency Operations Group Manager. Confirmation that there is a significant emergency or dangerous situation is generally the responsibility of UVM Police Services, and may include visual verification of the nature and scope of an emergency. For certain emergency conditions, the Emergency Management Coordinator and/or Emergency Operations Group Manager may make the determination of an emergency condition or potential emergency condition, based upon available information like a severe weather forecast or alert.

Determination of the content of an emergency notification, including any required actions (such as evacuate to a safe location or shelter in place away from windows), whom to notify, and the actual launch of the notification will normally be the responsibility of the Emergency Operations Group (EOG) Manager with assistance from the Senior Police Services official on duty or their designee. Depending upon the nature and scope of a confirmed emergency condition, UVM Police personnel, the Emergency Management Coordinator, or the Emergency Operations Group Manager may determine the content and scope and distribute an emergency notification without or prior to the activation of the EOG. The EOG membership is also fully versed in operation of the *CatAlert* system and may take the lead on initiating campus notification and/or providing updates to emergency notifications as circumstances require. Periodic updates to emergency notifications will be disseminated via the *CatAlert* system (or onsite announcement, if appropriate) as information becomes available.

Should the nature of the emergency require notification outside the campus community, the responsibility for doing so rests with the Director of University Communications or the person assigned the Public Information Officer (PIO) role within UVM's Emergency Operations Group. Based upon the nature of the event, the PIO may use differing means and methods including but not limited to those listed on the **UVM Emergency Management website at:** <http://www.uvm.edu/emergency/>.

Campus Advisories

In situations that do not meet the criteria for a Timely Warning or Emergency Notification, the University may still issue an advisory message ("Campus Advisory") to inform the campus community and allow individuals to take appropriate precautions. A Campus Advisory may include information about public health and safety concerns (e.g. power outages, snow closures, strings of larcenies), as well as actions individuals may take to ensure their personal safety and wellbeing. Campus Advisories may be disseminated using the CatAlert system, the LiveSafe App, via e-mail to all UVM faculty, staff and students, and/or posted on the Police Services Webpage or social media accounts (Facebook, Twitter, etc.) Additionally, hard copies of Campus Advisories may occasionally be placed around campus in areas frequented by students, faculty, and staff. Campus Advisories may take the form of educational messages, awareness bulletins, crime alerts, or other messaging.

CATALERT REGISTRATION

When an Emergency Notification is distributed through the *CatAlert* system, faculty, staff, and students will automatically

receive an e-mail notice of the campus emergency to their uvm.edu address, as well as a text message on their cell phone or pager, and/or a voice message, if opted into the “expanded notification” feature, for up to three phone numbers. To opt-in for expanded notification, or to change existing preferences, students may do so through myUVM (<https://myuvm.uvm.edu>). Faculty and staff can do so through the self-service section of PeopleSoft (<https://erp.w3.uvm.edu/>).

How to Provide an Emergency Phone Number for Expanded CatAlert Notification

Students:

Log into MyUVM at <https://myuvm.uvm.edu> with your netID and password.

The University relies on 4 methods of contacting you in cases of emergency. You can easily input/update all 4 on this page

1. address (your local address)
2. my contact info (CatAlert)
3. emergency contact
4. missing person contact

1. Log into myUVM. Go to the Registrar Tab.



2. Update each of the four contact methods under the headings of Personal Info and Emergency Contact

A screenshot of the 'PERSONAL INFO' and 'EMERGENCY CONTACTS' sections of the myUVM website. The 'PERSONAL INFO' section has links for preferred name, legal name, address, student ID number (95#), and directory exclusion. The 'EMERGENCY CONTACTS' section has links for my contact info (CatAlert), emergency contact, and missing person contact. Red arrows point to the 'address' link in the Personal Info section and the 'my contact info (CatAlert)' link in the Emergency Contacts section.

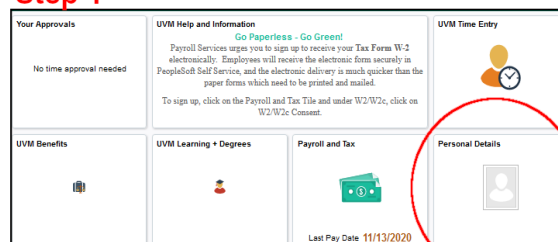
Employees (Faculty and Staff):

Log into the Human Resources portal of UVM Peoplesoft at <https://erp.w3.uvm.edu/> with your netID and password.

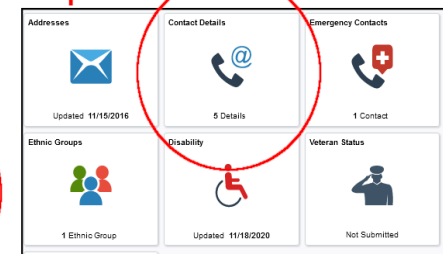
Log into PeopleSoft, then:

1. Click "Personal Details"
2. Click "Contact Details"
3. Click the plus symbol under "Phone"
4. Enter your contact information, and select your preferred emergency contact type in the "type" dropdown menu.

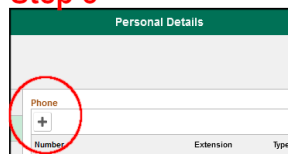
Step 1



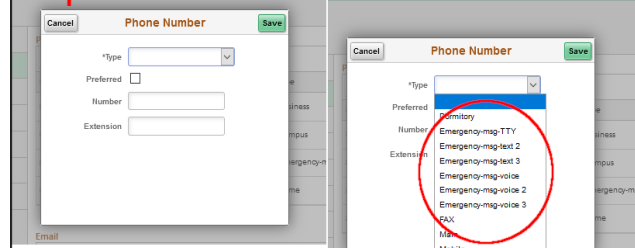
Step 2



Step 3



Step 4



EMERGENCY POLICIES LISTING

The full text of the following University Policies and Procedures detailing appropriate incident response can be found at:

- Emergency Management Institutional Continuity Policy: <http://www.uvm.edu/policies/riskmgm/emergency.pdf>
- CatAlert Emergency Notification & Response Procedures: http://www.uvm.edu/emergency/catalert_campus_alerting_system
- Campus Emergency Evacuation Procedures: <https://www.uvm.edu/riskmanagement/evacuation-procedures>
- Emergency Operations Plan: http://www.uvm.edu/emergency/preparing_and_planning_emergencies

COMMUNITY AND SUPPORT RESOURCES

UVM Police Officers, the Title IX Coordinator, Deputy Title IX Coordinators, Dean of Students, and campus victim's advocates are trained on issues related to victim and bystander support, including assisting individuals with contacting appropriate authorities (at the individual's election), securing needed medical attention and/or counseling, remedial and protective measures, and other support as requested. Other resources are listed in this section including counseling, health, mental health, victim advocacy, legal assistance, visa & immigration assistance, student financial aid guidance, and other services and supports for victims of crime. Confidential Resources are highlighted in [blue](#).

ON CAMPUS SUPPORT RESOURCES & SERVICES LISTING

Resource	Phone Number	Description
<i>Emergency Assistance</i>	<i>9-1-1</i>	<i>Call in any emergency throughout the United States for police, fire, ambulance, and other emergency services.</i>
24 Hour UVM Counseling & Psychiatry Services (CAPS) Hotline	802-656-3340 (Option 2)	UVM CAPS has same day appointments during business hours and on-call counselors available for those in urgent need 24/7.
Deputy Title IX Coordinator for Intake and Outreach	802-656-3368	Provides guidance throughout the Discrimination & Harassment and Title IX processes for both reporting and responding parties. Coordinates remedial and protective measures for both parties, and acts as a liaison for campus and community support services and resources. Remedial and protective measures may include but are not limited to changes to academic, living, transportation, and working situations or protective measures, on a case-by-case basis.
AAEO Process Advisors	802-656-3368	Specially-trained faculty and staff members who are very familiar with UVM's sexual misconduct policies and procedures, and who volunteer their time to help UVM affiliates navigate the student or employee investigation and conduct processes related to sexual misconduct. The Advisors serve people of all genders and identities, and their services are completely free of charge. Advisors are available for complainants and respondents involved in an AAEO matter. Contact AAEO for assistance finding an Advisor, or contact an advisor directly using the information at the link: https://www.uvm.edu/aaeo/aaeo-process-advisors
Affirmative Action & Equal Opportunity (AAEO)	802-656-3368	Investigates equal opportunity, discrimination, and harassment issues. AAEO houses UVM's Title IX Coordinator and investigators.
Americans with Disabilities Act /504 Coordinator	802-656-0945	Supports employment applicants and employees of the University with accommodation requests and accessibility concerns. The ADA/504 Coordinator also assists with needs regarding access to our campus for members of the public who have disabilities.
Campus Advocacy Services	802-863-1236	Free and confidential advocacy services for anyone impacted by sexual misconduct offered through CHWB and HopeWorks VT
Center for Student Conduct	802-656-4360	Student accountability processes, conflict intervention programs, social justice mediation, and academic integrity programming. The CSC seeks to foster student accountability and skill development in the areas of conflict resolution, dialogue, identity development, & restorative practice.
Dean of Students Office	802-656-3380	Student administration, student life, CARE Team, & Center for Student Conduct appeals.
Men's Outreach Coordinator	802-656-3340	Provides counseling and support for men in the UVM community and co-chairs the Men's Initiative. The Men's Outreach Coordinator also facilitates a Men's discussion group that provides a space for young men to explore their masculinity.
Mosaic Center for Students of Color	802-656-3819	The Mosaic Center for Students of Color (MCSC) fully supports the holistic development of African, Latino(a), Asian, Native American, Multiracial and New American students so that as confident students of color they attain their goals for academic achievement, personal growth, identity formation, and cultural development..

Office of International Education	802-656-4296	Can provide visa and immigration assistance and connect international students with their nearest consulate or embassy.
Prism Center	802-656-8637	The Prism Center serves the diverse queer and trans communities at the University of Vermont. The center supports and empower lesbian, gay, bisexual, transgender and queer students, as well as students whose identities fall in between or expand beyond those categories, and works to create a campus community where people of all sexual and gender identities can thrive.
Student Accessibility Services	802-656-7753 or email: access@uvm.edu	Provides services and accommodations at no cost to all UVM Students who have current documentation of a disability that substantially limits one or more major life activities. Examples of services and accommodations include access to assistive technology devices and software, collaboration with Residential Life in the provision of housing accommodations, distraction reduced testing center use, extended time for exams and quizzes, print materials in alternate formats, note taking services, communication access real-time translation (CART), and sign language interpreting.
Student Financial Services	802-656-5700	Provides advice and guidance on financial aid and financing education.
Student Legal Services	802-656-4379	Can provide students with a referral to an attorney and/or legal advice, and is sponsored by the Student Government Association.
UVM Counseling & Psychiatry Services	802-656-3340	Comprehensive mental health care, psychiatry and counseling services.
UVM Employee Assistance Program (Invest EAP)	1-866-660-9533	Free and confidential counseling and support services for employees.
UVM Police Services (non-emergency)	802-656-3473	Full police services for the UVM campus. Call for assistance or to report any non-emergency crime. Always call 9-1-1 in an emergency.
UVM Student Health Center	802-656-3350 1-866-878-2485 (After Hours)	Provides basic medical services and treatment for UVM students. Call the after-hours number for a consultation with a Triage Nurse if you are experiencing an urgent (non-life-threatening) issue after-hours.
UVM Title IX Coordinator	802-656-3368	Investigates reports of sexual misconduct and other Title IX violations at the University; responsible for the institution's compliance with Title IX.
Women and Gender Equity Center	802-656-7892	The Women and Gender Equity Center (WAGE) supports all facets of women's lives: the social, professional, spiritual, physical, intellectual, & emotional. The center empowers people to become active leaders for gender equity and collective liberation through community building and the recognition of our gifts and challenges.

BURLINGTON COMMUNITY-BASED SUPPORT RESOURCES & SERVICES LISTING

Resource	Phone Number	Description
Burlington Police Department (non-emergency)	802-658-2704	Full municipal Police Services in Burlington, Vermont. Call for assistance or to report non-emergency crimes that happen in Burlington, but off campus. Always call 9-1-1 in an emergency. UVM Police can connect you to Burlington Police as needed if you are uncertain which agency to call.
Center for Crime Victim's Services (Vermont)	802-241-1250	Provides free support services to victims of crime, regardless of whether the crime is reported or prosecuted and independently of the criminal justice system.
HOPE Works Sexual Violence Hotline	802-863-1236	Free, confidential, 24-hour hotline offering support for victims and survivors of sexual and violence. HopeWorks also provides UVM's On Campus victim's advocacy services.
SafeSpace Support Line for LGBTQA Survivors	802-863-0003 or toll free 1-866-869-7341	Free and confidential services to LGBTQ survivors of all forms of abuse or violence. Available Monday-Thursday 10AM-6PM & Friday 10AM-2PM.
Statewide Domestic Violence Hotline (Vermont)	1-800-228-7395	Free, 24-hour crisis & support hotline for victims and survivors of domestic violence in Vermont.
Statewide Sexual Violence Hotline (Vermont)	1-800-489-7273	Free, 24-hour crisis & support hotline for victims and survivors of sexual violence in Vermont.
Steps to End Domestic Violence	802-658-1996	Free, confidential, 24-hour hotline for victims and survivors of domestic abuse. Steps to End Domestic Violence also offers legal advocacy services. Steps to End Domestic Violence offers services to people of all genders and identities.
US State Department	Passport Information 1-877-487-2778 Overseas Citizens Services 1-888-407-4747 (domestic) +1 202-501-4444 (overseas)	For US citizens, the State Department has resources for Americans traveling internationally, including a website with resources for students going abroad for their studies. More information available online at: https://travel.state.gov/content/studentsabroad/en.html
US State Department Bureau of Consular Affairs	Immigrant Visas 1-603-334-0700 Non-Immigrant Visas 1-603-334-0888	For non-US citizens, this Bureau within the US State Department has resources available on Visas and Immigration. This bureau issues visas for entry to the United States. The State Department also has information about immigration to the United States. More information available online at: https://travel.state.gov/content/visas/en.html
UVM Medical Center	802-847-0000	Full hospital adjacent to UVM Campus; offers full-range of medical care services.
UVM Medical Center Emergency Room / S.A.N.E. Nurse	802-847-2434	Full range of emergency medical services. The emergency department has SANE Nurses (Sexual Assault Nurse Examiners) available at any time. You can call ahead to request a nurse or walk into the emergency department at 111 Colchester Avenue.
Vermont Adult Crisis Hotline (Howard Center Mobile Crisis)	802-488-6400	Support for adults and their family members or friends who are experiencing a mental health crisis and need immediate assistance, 24/7.
Vermont Bar Association Lawyer Referral Service	1-800-639-7036	Provides a referral to a lawyer at no-cost to you with an attorney who will provide an initial 30-minute consultation for no more than \$25.
Vermont Student Assistance Corporation (VSAC) Resource Center	802-655-9602	Offers information about student financial aid and appointments with advisors to help navigate student financial aid and financing options. VSAC is a nonprofit organization that has several student loan programs and options.

ADDITIONAL RESOURCES & SUPPORT SERVICES RELATED TO SEXUAL MISCONDUCT

The resources listed above and many more, to include national support hotlines and services, are available on the University's AAEO Support Resources website <https://www.uvm.edu/aaeo/support-resources>. This website includes counseling, health, mental health, victim advocacy, legal assistance, visa & immigration assistance, student financial aid, and other resources, supports, hotlines (including crisis hotlines), and services for individuals who have experienced, witnessed, or are otherwise impacted by incidents of sexual harassment or misconduct that are available from the University and in the community. These resources are provided to all UVM students and employees via email at the start of each fall and spring semester. They are also made available in writing by the Title IX Coordinator to all individuals who report sexual harassment or misconduct to the University.

CRIME AWARENESS AT UVM

Safety and security on campus is built on a strong foundation that includes community policing by area agencies, including UVM Police Services, and individual action and responsibility. Towards that end, the University has developed the crime awareness and prevention strategies described in this section to assist the whole UVM community in fostering a safe campus.

CRIME AWARENESS

The University of Vermont publishes the following information and statistics in print and via our webpage to promote crime awareness within the campus community:

Daily Crime & Fire Log

The University publishes a daily Crime and Fire Log ("Crime Log") that is available for review 24 hours per day on the UVM Police Services website (<https://www.uvm.edu/police/crime-fire-log>) or by visiting UVM Police Services at 284 East Avenue during regular UVM business hours. The information in the Crime Log typically includes the nature, date, time, general location, and disposition (if known) of each crime. An entry, an addition to an entry, or a change in the disposition of a complaint, is recorded in the Crime Log within two (2) business days of a report of necessary information to UVM Police Services.

Annual Security Report

The University publishes an Annual Security Report (this document) each year by October 1, as required by law. In 2020, due to COVID-19, the publication of this report was delayed; the US Department of Education extended the publication deadline for this report to December 31, 2020. The Annual Security Report includes a statistical report of certain crimes reported to have occurred on or around the UVM Campus and other property owned or controlled by the University for the three previous calendar years. Crime statistics for 2018, 2019, and 2020 are available in the ANNUAL CRIME STATISTICS: 2018 – 2020 section of this report; statistics begin on page **Error! Bookmark not defined..**

The Annual Security Report is distributed to all UVM affiliates (faculty, staff, and students) via email upon publication every year by October 1. The Annual Security Report is available to the public on the UVM Police Services website at: <http://www.uvm.edu/police/reports/clery/public-safety-report.pdf>, and is available for review in hard-copy by visiting UVM Police Services during regular UVM business hours.

As a matter of policy, to the extent permitted by law, all entries made in the Crime Log and the Annual Security Report, which are both forms of publically available recordkeeping, shall not include identifying information about the victim.

Sex Offender Registry

The "Campus Sex Crimes Prevention Act" is a federal law enacted on October 28, 2000 that provides for the tracking of convicted, registered sex offenders enrolled as students, or serving as employees or volunteers at institutions of higher education. The State of Vermont Sex Offender Registry is located at the following link: <http://vcic.vermont.gov/sor>. This is where all information about sex offenders that are required to register is housed for the entire state, including on and around the University campus.

Campus Alerts

The University may distribute different types of alerts to the campus community when certain crimes are reported. One function of alerts distributed to the campus is to promote crime awareness, which can help to reduce crime. The University may issue Campus Advisories, Timely Warning Notifications, or Emergency Notifications as appropriate and in accordance with the procedures described in the [CATALERT SYSTEM, WARNINGS, & NOTIFICATIONS](#) section of this report (see page 42).

CRIME PREVENTION AND EDUCATION AT UVM

In addition to maintaining a fully sworn comprehensive police agency on campus (UVM Police Services), the University of Vermont has many programs, departments, systems, and other measures in place to enhance public safety and prevent crime. Some of these are outlined in this section.

MAINTENANCE OF CAMPUS GROUNDS AND FACILITIES

The departments of Physical Plant, Police Services and Residential Life, in a coordinated effort, regulate key facilities, campus lighting, shrubbery control, software systems, and hardware systems so as to optimize safety and prevent crime:

Landscaping

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. The Department of Police Services personnel regularly patrol the campus and report malfunctioning lights and other unsafe physical conditions to the Department of Physical Plant for correction. Other members of the University community are helpful when they report equipment problems to Police Services (802-656-3473) or to Physical Plant Service Operations Support (802-656-2560).

Facility Key and Access Systems

Some UVM facilities are open to the public during regular business hours, while others have restricted access 24/7. For those facilities with restricted access, as well as for access to facilities after regular business hours, the University issues keys or access cards to faculty, staff, and resident students for their designated work and/or living areas. The University has professional locksmiths designated to repair and maintain the integrity of the key and lock system. Based upon occupant requirements, UVM facilities are opened and closed at various times. Once the exterior doors are locked, Police Services personnel conduct patrols to recheck the security of the facility. In Residential Life areas, designated hall staff provides additional patrols.

Residence Hall Access Systems

Residence hall entrance doors have locking devices that can be opened by specially coded keys/cards issued to residents, and should be kept locked at all times (24/7). Exit-only doors have hardware that cannot be opened from outside. Most exterior doors have automatic closing devices. Student room doors have locking hardware that can be locked or unlocked at the discretion of the occupant, and residents are advised to keep their room doors locked at all times. Residential Life employees perform routine maintenance throughout the residences and respond to any reports of problems with locks. Residents are advised to stop and question any stranger in the hall (e.g. "Can I help you with something?") and notify police immediately of any suspicious activity.

Anti-Intrusion Alarms

Many academic and support areas of special sensitivity are protected by alarm systems which ring in directly to a central station or UVM Police Services. Officers are dispatched to evaluate the situation and take any appropriate response measures when these alarms are triggered.

Emergency & Blue Light Phones

There are more than 125 prominently placed emergency & blue light phones on UVM's main campus. These telephones connect directly to the UVM Police Services when picked up, enabling immediate reporting of emergency situations or suspicious persons. UVM Life Safety Services (part of the Department of Physical Plant), in conjunction with UVM Police Services, tests each Emergency Blue Light once per month and repairs any issues or malfunctions identified.

LIVESAFE APP

LiveSafe is a mobile two-way safety communications platform and risk mitigation tool. It provides campus community

members the ability to share information about emerging safety and security risks before they escalate into emergencies. The UVM LiveSafe app has three communities: Student, Employee, and Visitor. Each version provides safety resources tailored to that population.

The LiveSafe App includes a number of features to enhance the safety of the campus community, including:

- Quickly contact local emergency services no matter where you are in the world directly through the app;
- Report incidents to the correct UVM department or official;
- Easily submit anonymous tips to UVM Police Services;
- Access to UVM-specific resources and information;
- The “SafeWalk” feature, which allows users to alert their personal contacts if they do not arrive at a destination in time, or to temporarily watch over them as they watch.

The LiveSafe App can be downloaded from your device's app store. It can also be downloaded directly from the following options: [UVM Student](#) | [UVM Employee](#) | [UVM Visitor](#)

The UVM LiveSafe App is managed by UVM’s Office of Emergency Management. For questions, feedback, or tech help, email emergency@uvm.edu. When registering the app with UVM, please use your full UVM email address (not your netID@uvm.edu address).

BYSTANDER INTERVENTION – STEPPING UP TO PREVENT CRIME

In addition to education, programming, services, and awareness efforts, the University encourages all community members to take steps to reduce risk and promote bystander intervention, with a goal of reducing crime and promoting a safe and healthy campus community. In particular, these efforts can help to reduce incidents of high-risk alcohol and other drug use, instances of sexual misconduct, including dating violence, domestic violence, sexual assault, sexual exploitation, and stalking, as well as other crimes.

Who is a Bystander?

A bystander is any person who is present at or who is witnessing an event, but is not directly involved. When individuals in the community have the knowledge and skills to recognize and intervene in situations in which others may need help, it can have a profound and positive impact on a community.

What is Bystander Intervention?

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of harm to another individual. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Safe and Positive Options for Bystander Intervention

There are four common strategies for Bystander Intervention, commonly referred to as the “Four D’s”. They are

1. **Direct** – Directly intervening, in the moment, to prevent a problem situation from happening;
2. **Delegate** – Seeking help from another individual, often someone who is authorized to represent others, such as a police officer or campus official;
3. **Distract** – Interrupting the situation without directly confronting the offender; and
4. **Delay** – Recognition that you may not be able to do something right in the moment. Checking in with the individual who you witnessed at risk of or experiencing harm after an incident has occurred to see if you can do anything to help them. Providing support shows them that they are not alone.

In a given situation, any one or combination of these strategies may be appropriate. Some things to keep in mind when intervening in a concerning situation are:

- **Do not put yourself at risk** – if you are concerned that directly intervening could escalate a situation and put you or others at risk of harm, consider delegating by calling police or interrupting the situation with a distraction;
- **Do not make a situation worse** – when intervening, it is important to identify a way to stop the concerning situation without escalating it. If people are upset or fighting, a situation can be unpredictable and you should call the police;
- **Intervene at the earliest point possible;**
- Remember, **intervening does not necessarily mean confronting** – there are resources at your disposal such as UVM Police Services, your RA or RD (in a residence hall), a professor (in a classroom environment), a supervisor or manager (in a work environment), or another official who may be present or reachable in a given set of circumstances;
- **Ask for help!** Bystander intervention is a community effort – alert your friends if you see something and need to intervene, or call the police.

Examples of Bystander Intervention

- Interrupting a person who you see isolating, hitting on, trying to make out with, or trying to have sex with an incapacitated individual by spilling a drink on the violator and creating a scene about that instead;
- Speaking up when someone discusses plans to sexually take advantage of another person;
- Interjecting yourself into a conversation where another person appears to be unsafe;
- Offering to drive or call and share a cab to get an incapacitated friend home from a party;
- Calling the police or immediately alerting your RA or RD if you hear a couple fighting in your residence hall;
- Confronting someone or speaking up when you hear them using racist, sexist, homophobic, or other biased or harmful language;
- Confronting a person who is acting sexually or romantically aggressive toward someone who seems uninterested.

Additional Resources & Information on Bystander Intervention

The more you learn about bystander intervention, the easier it becomes to recognize concerning situations and intervene. Within UVM, [Living Well @ UVM](#) offers training and resources that can help you develop your skills to intervene as a bystander, and to promote community safety. Contact the Bystander Intervention Coordinator in Living Well at 802-656-0441 or annie.valentine@uvm.edu for more information or to schedule a training.

RISK REDUCTION – SAFE & POSITIVE WAYS TO REDUCE RISK

Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for individuals in order to promote safety and to help individuals and communities address conditions that facilitate violence. Risk reduction used jointly with Bystander Intervention can have a powerful positive impact on a community.

Safe & Positive Risk Reduction Strategies:

- Travel with friends in groups of three or more whenever possible. Have at least one person who is aware of where you are and who you are with. Be sure to update that person if plans change.
- Know your surroundings. Always carry emergency cash and keep phone numbers for friends, local cab companies, the Victim's Advocate, Police Services, etc. handy.
- Trust your instincts. If you find yourself at a party where you don't know a lot of people or the crowd doesn't feel right, gather your friends and leave.

- Always carry your cell phone charged. If you are concerned for you or a friend's immediate safety, do not hesitate to call 9-1-1.
- If a friend seems to be acting strangely or not like themselves, kindly check in with them to be sure everything is OK. Use "I" statements. Say something like "I have noticed that you seem to be doing XYZ lately. Is everything going OK?" Let them know that you are there and can support them, and that there are resources on campus that they can turn to.
- Continue educating yourself about personal and community safety, and bystander intervention. Get involved in on- or off-campus offices that are doing this type of work or sign up for a class that seems relevant.

PROGRAMMING, EDUCATION, AND SERVICES

The University of Vermont offers an array of crime prevention and awareness programs throughout the year. Programs include general crime prevention and awareness, as well as programs to prevent discrimination and harassment, including dating violence, domestic violence, sexual assault, sexual exploitation, and stalking.

Crime prevention, awareness, and safety education efforts at UVM are conducted using a multifaceted, multi-department approach that begins before a student arrives on campus. Incoming students at all levels must complete primary prevention programs before their first semester, such as the online *AlcoholEDU* program and the *Haven* program on sexual misconduct and bias awareness and prevention. All incoming first year students are also required to attend two hours of on-campus crime prevention and awareness training during the *Opening Weekend Sessions* when they arrive on campus. In August, members of the Residential Education Team (many leadership staff in the Department of Residential Life) and all Resident Advisors (RAs) for the upcoming academic year receive specific training in preventing harassment, bias, and sexual misconduct. New staff employees must complete an orientation program during onboarding called *UVM Culture and Community*. Additionally, all UVM employees are required to complete an online Harassment and Discrimination Prevention training through EverFi, which includes a separate supervisor-specific training module for all supervisors at the University.

Many ongoing crime awareness and prevention programs are held on campus throughout the year and are hosted by a number of departments. UVM Police Services employs a crime prevention officer who conducts a range of trainings for all UVM community members. Police Services also offers security audits, active shooter response training, and safety planning for students, employees, and departments. Other University departments host several additional programs, including educational efforts such as *Step Up! Think. Care. Act.*

The University encourages community members to take full advantage of safety programs and initiatives designed to protect their person and property.

Primary Prevention and Awareness Programs

Summary and Compliance Statement

Primary prevention programs are programming, initiatives, and strategies intended to stop all forms of sexual misconduct, including dating violence, domestic violence, sexual assault, sexual exploitation, and gender-based stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions. Awareness programs are community-wide or audience specific programming, initiatives, and strategies that increase knowledge, and share information and resources to prevent violence, promote safety and reduce perpetration.

The University of Vermont prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking as those terms are defined for the purposes of the Clery Act (definitions in [Appendix A](#) see page 74) and as those terms are defined by the State of Vermont (definitions in [Appendix B](#) see page 75). The University has defined *consent* in the Institution's Discrimination, Harassment, and Sexual Misconduct Policy (see page 11), and the State of Vermont has defined *consent* in the Vermont State Statutes (see page 14). The University encourages members of the community to take safe and positive options for bystander intervention; [more information, including a definition of bystander intervention, is available on page 55](#). The University also encourages members of the community to take risk reduction steps; [more information, including a definition of risk reduction, is available on page 56](#).

Primary prevention and awareness programs offered by UVM are tailored to the needs of the UVM community, including students and employees. These programs are culturally relevant, inclusive of and responsive to all parts of the UVM community, and are informed by research for efficacy. These primary prevention and awareness programs for students and employees are further described below.

Haven Primary Prevention Program for Incoming Students

All incoming students are required to complete an online educational program prior to their arrival on campus known as Haven. Haven uses a population-level approach to educate students on the issues associated with sexual harassment, sexual misconduct, sexual assault, and relationship violence, taking into account their unique perspectives and experiences, providing: key definitions and statistics, reflective and personalized content, bystander skill and confidence-building strategies for intervention, and campus-specific policies, procedures, and resources. Incoming students under age 21 complete the standard Haven program, and incoming students 21 and over complete a program called Haven Plus, specifically tailored for students of legal drinking age and older. For more information about Haven, please email the Dean of Students Office at deanofstudents@uvm.edu.

Haven Primary Prevention Program for Student Employees

As part of the hiring process for Student Employees, the University's Student Employment Office verifies that prospective student employees have completed the required Haven training program (Haven or Haven Plus). Students are not eligible for student employment positions until the appropriate Haven training has been completed. Should the Student Employment Office find that a student has not completed the Haven training program, the student will be required to complete the training before being hired into a student employment position at the University.

AlcoholEdu for College Students

The University of Vermont continually takes active steps to reduce unsafe alcohol use on campus. Toward that end, every incoming student under age 21 is required to complete AlcoholEdu for College Students, an online tangible population-level prevention program that challenges students' expectations around alcohol while encouraging students to make healthier and safer decisions, and to reduce risk. For more information, please email the Dean of Students Office at deanofstudents@uvm.edu.

Virtual Fall Orientation

In collaboration with The Office of New Student Programs, the Division of Student Affairs including Student Life, the Center for Health & Wellbeing, and the Dean of Students Office, all first year students are asked to participate in a series of online modules and events/programs as part of a virtual orientation program. These modules focus on the areas of Living/Learning on Campus, Academic Success and Preparedness, Mental Health and Wellbeing, and Social Justice and Inclusion. These modules are available to new students for the entirety of the week before classes began and remain available for students to reference through the semester/year. The module specific to Mental Health and Wellbeing includes the following topics: positive sexuality and consent culture, STI screening and testing, available clinical services and resources, and high risk alcohol and other drug use. These online modules build off of the required online education courses (described above) that incoming students are required to complete, and incorporates a safe and positive bystander intervention model. For more information, please email the Dean of Students Office at deanofstudents@uvm.edu.

New Employee Orientation: UVM Culture and Community

All new University staff members are required to participate in a comprehensive onboarding program. The program is designed to help ensure that individuals experience a smooth transition into their role at UVM, and provide a forum to discuss issues related to the climate and culture of the University. UVM Culture and Community is an interactive program with a focus on small-group discussion of UVM's core values from [Our Common Ground](#): Respect, Integrity, Innovation, Openness, Justice, and Responsibility. In the course of this program, all participants are provided with copies of the University's policies regarding the [Clery Act](#), [FERPA](#), and a [Drug-Free Workplace](#), among others.

Online Harassment and Discrimination Prevention Training – EverFi

All new UVM employees are required to complete an online Harassment and Discrimination Prevention training through EverFi. This program addresses topics relating to safe and positive options for bystander intervention and risk reduction, an overview of University policies and procedures, and detailed reporting information relating to sexual misconduct, sexual

harassment, and other forms of discrimination and harassment.

Online Diversity, Equity, and Inclusion Training – EverFi

Beginning in Fall 2021, all UVM students, staff, and faculty are required to take an online training on diversity, equity, and inclusion. This program addresses topics relating to safe and positive options for bystander intervention and risk reduction, as well as promoting a safer, more inclusive, and equitable campus community.

Ongoing Prevention and Awareness Campaigns

Ongoing prevention and awareness campaigns are programming, initiatives, and strategies that are sustained over time and provide the same information as, and share goals with, primary prevention and awareness programs. The University of Vermont coordinates multiple ongoing prevention and awareness programs, some of which target the entire UVM community and some of which target segments of the community, with the goal of reaching all populations of students and employees at the institution. A representative selection of ongoing prevention and awareness campaigns offered at the University is described below.

Annual Sexual Assault Prevention Training for Students

Returning UVM students are required to complete two online training modules annually. One in the fall and one in the spring. The courses, titled “Healthy Relationships” and “Taking Action,” build upon the concepts from the primary prevention course required for all incoming students. These trainings provide information on bystander intervention, consent, relationship dynamics, protection from retaliation, as well as UVM-specific support resources.

StepUP! Bystander Intervention Program

StepUP! is a prosocial behavior and bystander intervention program that educates students to be proactive in helping others. The goals of the program are to raise awareness of helping behaviors, increase motivation to help, develop skills and confidence when responding to problems or concerns, and ensure the safety and wellbeing of self and others. The basic training consists of a multi-media presentation as well as small group scenario discussions, which are tailored for each group. StepUP! was developed by the University of Arizona C.A.T.S. Life Skills Program, along with the National Collegiate Athletic Association (NCAA) and leading national experts.

StepUP! provides trainings to a broad range of UVM constituents. Trainings are available on request. To schedule a training for your group, club, office, or organization, or for more information, please visit: <https://www.uvm.edu/health/stepup>

Online Harassment and Discrimination Prevention Training – EverFi

To ensure ongoing awareness and competency, all UVM employees are required to complete an online Harassment and Discrimination Prevention training through EverFi annually. The annual program addresses topics relating to safe and positive options for bystander intervention and risk reduction, an overview of University policies and procedures, and detailed reporting information relating to sexual misconduct, sexual harassment, and other forms of discrimination and harassment. For more information, contact UVM’s Title IX Coordinator Nick Stanton at 802-656-3368 or Nicholas.Stanton@uvm.edu.

Men’s Initiative

Co-chaired by the Men’s Outreach Coordinator, the Men’s initiative seeks to increase the engagement of male-identified students at UVM. The committee has collaborated with leading experts in men’s studies and masculinities, and has hosted a drop-in men’s group. The initiative facilitates a range of educational opportunities each academic year. For more information, contact Men’s Outreach Coordinator Keith Smith at 802-656-3340 or Keith.Smith@uvm.edu.

Men's Discussion Group

The Men's Discussion Group provides a space for young men to explore their masculinities, with the underlying goal of empowering their authentic self. The group seeks to help men to heal the wounds of patriarchy. The group utilizes bell hooks' book *The Will to Change* as a foundation, and uses discussion, multimedia, and breath-work to explore boyhood, masculinity, patriarchy, art, and loving. The group runs for six weeks in the fall semester.

Project Discovery

Project Discovery is a collaboration between the Center for Student Conduct and the Center for Health & Wellbeing. It was launched in 2007 and runs every semester. The program facilitates leadership development and ethical decision-making skills for students deemed "at-risk" following interaction with the Center for Student Conduct. Project Discovery provides a lens through which these students can re-evaluate their role in the UVM Community and assess how their decisions and actions impact them as individuals and the community as a whole – positively and negatively. The goals of Project Discovery are to help "at-risk" students gain awareness of their positive leadership potential and ability; to provide training, resources, and mentorship to help students avoid future conduct violations; to establish a diversity of leadership within the campus community; to provide development opportunities to a part of the student population that often does not access them; and to serve as a preventative measure alternative to suspension following some conduct violations.

UVM Women And Gender Equity Center Education Initiatives

The UVM WAGE Center provides ongoing opportunities for the UVM community to be in dialogue and learning together around issues of gender, power, privilege, violence, and the manifestation of a more whole and joyful community. The Center provides numerous workshops for student clubs and groups. Additionally, the Center offers training opportunities on the reduction and elimination of bias and harassment in partnership with UVM's Professional Development and Training office. The Center also provides training for Student Life professionals around the impact of sexual violence and how to support those impacted as a part of preparation for each new academic year.

Living Well Education Initiatives

UVM's Living Well office provides many ongoing opportunities for the UVM Community to learn about and engage in dialog on a variety of topics pertaining to wellness, health, and healthy living. Workshops include topics such as healthy sexuality, healthy relationships, bystander intervention, and alcohol and drug prevention education. Living Well also regularly provides workshops on other topics pertaining to health and wellness like meditation and mindfulness, and coordinates regular informal drop-in consultations with professional counselors from UVM Counseling and Psychiatry Services across campus to facilitate access to mental health services at UVM.

UVM Professional Development and Training Social Justice Classes

UVM Professional Development and Training offers a number of classes each year with particular focus on social justice related topics. These classes are designed to provide employees opportunities to examine how various biases impact individuals and communities, and to provide a forum to discuss alternative ways of working and relating each other. Education on the values of social justice, diversity, and community help to promote an inclusive and harassment-free environment at the University. For more information or to register for a workshop, contact UVM Professional Development and Training at (802) 656-5800.

Campus Transportation and Safety Escorts

UVM maintains a robust Campus Area Transportation System that is closely integrated with local public transportation systems. Buses travel on the campus and into student neighborhoods downtown until midnight during the week, and until 2 a.m. Friday – Saturday. All UVM students and employees also have free access to the Chittenden County Transportation (CCTA) bus system. After hours parking is available to all students and employees with late-night commitments. Safety escorts and rides are also offered by UVM Police on a case-by-case basis, usually after the shuttle buses stop running, by calling (802) 656-3473. Information about bus service and safety escorts are regularly advertised to students, and students are

encouraged to utilize these resources as a means of risk reduction. More information about parking and transportation on campus is available at: <https://www.uvm.edu/transportation/bus-uvm-shuttle>.

Residential Advisors (RA) Training

RAs are required to participate in a 2-week intensive training that addresses the following topics: high risk alcohol and other drug use, sexual misconduct and assault and institutional protocols for response, mental health and assisting students in distress, and understanding how to report student conduct efficiently and accurately to address community and individual health and safety. Residential Advisors are student leaders who live with their peers in each UVM Residence Hall who provide mentoring, role modeling, support, and leadership to the students who live in their halls. Residential Advisors also do regular foot patrols through the Residence Halls to promote safety and wellness in the UVM Residential communities. For more information, contact UVM Residential Life at (802) 656-3434.

Student Athlete Development

The Department of Athletics Student-Athlete Development program consists of programming in five focus areas: academic excellence, athletic excellence, personal/leadership development, community service, and career development. Athletics teaches a mandatory one credit course for all first-year student-athletes designed to invoke thoughtful, reflective discussion as a means of leading them towards greater understanding of how they might achieve their academic goals, meet college challenges, and make healthy decisions. The Student-Athlete Development program at the University of Vermont offers various speakers, presentations, group training, and workshops through the fall and spring semesters. All athletes receive training and information on personal leadership, social climate and inclusion, and bystander intervention skills as part of this program. For more information, contact UVM Athletics at (802) 656-3131 or visit <https://uvmathletics.com/sports/2020/9/10/academic-support-staff.aspx>

Security Surveys

UVM Police and Service Officers perform security surveys for employees, students, and other organizations and departments upon request, including recommendations for access and surveillance systems. Security surveys from Police Services can help UVM employees, students, organizations, buildings, and departments reduce risk and promote a safe and positive environment on campus. Please call UVM Police Services at (802) 656-3473 for more information.

Individual Safety Planning

A safety plan is a tool that is designed to empower you in becoming proactive about your personal safety. Safety plans are individualized plans that you should share with a trusted friend(s) describing daily actions you take to stay safe. A good safety plan covers everything from simple actions, such as keeping your door locked at all times, to more elaborate plans that detail actions for emergency or crisis situations. Safety planning is a way to take individual steps to reduce personal risk. Please call UVM Police Services at (802) 656-3473 for more information.

UVM Reporter Training

A minimum of four (4) live programs are scheduled each calendar year for the benefit of designated UVM Reporters to familiarize themselves with their responsibilities under federal law (Clery Act, Title IX, and other non-discrimination laws) and University policy. Additional trainings are scheduled on an as requested basis. This training includes basic information on how to support victims of crime and how to safely intervene as a bystander by delegating to the appropriate University or Law Enforcement Official. For more information on this training program, please contact the Clery Act Coordinator at (802) 656-3052 or kelly.riel@uvm.edu. The training materials are also available electronically at <https://www.uvm.edu/police/uvm-reporters-campus-security-authorities>.

Student Conduct Institute (SCI) Training

UVM is now a member of the *Student Conduct Institute*, through which UVM's Title IX Coordinators and staff who address Title IX matters receive training annually. Training information about SCI at UVM is available on *the Title IX and Sexual*

Misconduct website at: <https://www.uvm.edu/aaeo/title-9-sexual-misconduct>. For more information, contact UVM's Title IX Coordinator, Nick Stanton, at (802) 656-3368

PREPARING AND DISTRIBUTING THE ANNUAL CRIME REPORT

UVM Police Services is responsible for the collection and compilation of crime statistics for Clery qualifying crimes, including hate crimes, through exercise of their traditional duties, working relationships with area law enforcement agencies, and receipt of CSA Reporting Forms through www.uvm.edu/police/csa. Written requests for Clery crime statistical information related to off-campus facilities controlled by the institution and used by UVM students as part of their UVM program frequently, repeatedly, or for a long duration (including locations and student housing owned or controlled by officially recognized student organizations) are made on an annual basis to relevant police agencies that do not share the same Law Enforcement Records Management system used by UVM Police Services. Police agencies that do share the same Law Enforcement Records Management system are sent a request letter that includes notice that UVM Police Services is collecting the relevant information pursuant to Clery reporting and a request for assistance in the event that any records may not be included, accurate, or up to date in the Records Management System.

In addition, UVM Police Services is responsible for querying UVM Responsible Officials for campus conduct processes at the close of each calendar year as to (1) the number, (2) location on University property, and (3) classification of violations of state and local ordinances (drug, liquor and weapon laws) occurring on or near campus for the applicable time period for inclusion in this Report. UVM Police Services, in cooperation with local law enforcement agencies as outlined above, tracks arrests of the same.

Each year, an e-mail notification is made to all enrolled students, faculty and staff that provides direct web site access (including exact URL - <http://www.uvm.edu/police/reports/clery/public-safety-report.pdf> -) to this report. All prospective students are further noticed of the availability of this Report by the Offices of Admissions, which prominently provides a description and link on the "How to Apply" webpage. All prospective employees are noticed of this report by the office of Human Resource Services, which prominently includes a notice of and link to this report in all job postings at the University. Hard copies of the Report are available upon request from University Police Services located at 284 East Avenue in Burlington, Vermont.

ANNUAL CRIME STATISTICS: 2018 – 2020

Under the Clery Act, colleges and universities are required to report a number of crime statistics using uniform definitions. UVM reports these statistics directly to the Department of Education and publishes them in the University's Annual Security Report (this document) by October 1 each year²⁶. The Annual Security Report is published online and distributed as described in the previous section. The Department of Education publishes the Clery statistics from every college and university with obligations under the Clery Act on its website at: <http://ope.ed.gov/campusafety/#/>.

UNDERSTANDING CLERY CRIME STATISTICS

Introduction

The Clery Act requires UVM to report statistics for certain crimes reported to have occurred on and around campus and at other properties owned or controlled by the institution that are frequently used by students in support of an educational program. In addition to crime report statistics, the University also must report statistics for certain crimes determined to be motivated by bias or hate (hate crimes), as well as certain arrests and disciplinary referrals to the campus judicial process.

It is important to note that the Clery Act may define a particular crime differently than that crime is defined under Vermont law or the jurisdiction where an incident took place. For purposes of this report, the University uses the Clery Act definitions, which have been adopted from the Federal Bureau of Investigation's Uniform Crime Reporting Handbook (UCR), the National Incident-Based Reporting System Edition of the UCR for sex offenses, and the Violence Against Women Reauthorization Act of 2013. The definitions used for crime classification under the Clery Act are used by institutions throughout the United States.

The Clery Act requires that the statistical information in this report be broken down into standardized geographic categories. These categories are defined by the Department of Education and are used by all colleges and universities with Clery reporting obligations. In the statistical tables in this section, the data is broken down by both the type of offense and the geographic location where the offense occurred, as required by law.

Definitions: Geographic Location Categories

- **On-Campus Property:** Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to such buildings or property that is owned by the institution but controlled by another person and is frequently used by students and supports institutional purposes.
- **Student Housing Facilities (Subset of On-Campus Property):** Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus.
- **Public Property:** All thoroughfares, streets, sidewalks, and parking facilities that are within the campus, or immediately adjacent to and accessible from the campus.
- **Non-Campus Property:** Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to the institution's educational purposes, is frequently used²⁷ by students, and is not within the same reasonably contiguous geographic area of the institution.

²⁶ In 2020, due to COVID-19, the US Department of Education extended the deadline for Annual Security Report publication from October 1, 2020 to December 31, 2020.

²⁷ The University of Vermont considers a property "frequently used" if it is rented, leased, or otherwise controlled by the institution for a "long duration" or if it is subjected to "repeated use." The University defines a "long duration" as use for two consecutive nights or more in a calendar year, and considers a property subjected to "repeated use" if it is used for two nights in a two calendar-year period. This definition is based on US Department of Education guidance from the 2016 edition of [The Handbook for Campus Safety and Security](#).

A copy of the University's Clery Map depicting campus ground, buildings, and structures, as well as public property, can be found at http://www.uvm.edu/policies/riskmgm/campussecurity_geo.pdf.

Definitions: Primary Reportable Clery Crimes (*Criminal Offenses*)

The first table below contains statistics for reports of incidents considered to be "*Primary Crimes*" under the Clery Act (also called "*Criminal Offenses*" for reporting purposes). This category includes statistics regarding eleven types of criminal incidents. Sexual assault statistics (also referred to as "*sex offenses*") are reported in this table and are listed as four specific crime categories: *fondling*, *incest*, *rape*, and *statutory rape*. The list of primary crimes and their definitions are listed here.

- **Murder/Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another. *Note:* deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.
- **Manslaughter by Negligence:** The killing of another person through gross negligence.
- **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. This offense includes the rape of both males and females.
- **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.
- **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. *Note:* It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.
- **Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes: unlawful entry with intent to commit a larceny or a 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. Motor vehicle theft includes all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned, including joy riding.
- **Arson:** The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another, etc.

Definitions: Violence Against Women Act (VAWA) Offenses

The second table below contains statistics for offenses defined by the *Violence Against Women Reauthorization Act of 2013*; these offenses included Dating Violence, Domestic Violence, and Stalking. It should be noted that sexual assault / sex offenses are also VAWA Offenses, but that sex offenses must be reported with *Primary Crimes* (see above) under the Clery Act.

- **Domestic Violence:** Felony or misdemeanor crimes 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 cohabitating with, or has cohabitated 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 family violence laws of the jurisdiction in which the crime of violence occurred.

In accordance with Vermont law [15 V.S.A. § 1101], Domestic Violence includes felony or misdemeanor crimes of violence committed by 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 [“household members”]. *Due to the inclusion of “household members” in the definition of domestic violence under Vermont law, incidents of ‘Dating Violence’ as defined below which occur in Vermont are captured under ‘Domestic Violence.’* For more information, see the definition of Dating Violence below, and refer to [Error! Reference source not found.](#) numbers [Error! Reference source not found.](#) and [Error! Reference source not found.](#) on page [Error! Bookmark not defined.](#) for additional information.

- **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. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited, to sexual or physical abuse or the threat of such abuse, and *dating violence does not include acts covered under the definition of domestic violence.*
 - **Please note:** Due to the inclusion of “household members” in the definition of domestic violence under Vermont law [15 V.S.A. § 1101], all incidents occurring in the State of Vermont covered by the definition of *Dating Violence* listed here are covered under the definition of *Domestic Violence* and are reported as such. See [Error! Reference source not found.](#) numbers [Error! Reference source not found.](#) and [Error! Reference source not found.](#) on page [Error! Bookmark not defined.](#) for additional information.
- **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress. For the purposes of this definition: *Course of Conduct* means two or more acts, including, but not limited to, acts 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.

Definitions: Weapon, Drug, and Liquor Law Violations

The third table below contains statistics for arrests and referrals for disciplinary action (disciplinary referrals) for law violations including weapons laws, drug abuse laws, and liquor laws. For the purposes of this table, “arrest,” “disciplinary referral,” and each type of law violation is defined here. **Please note:** *if, in a single incident, an individual is arrested for multiple violations in this category, the statistic will be counted only as the most egregious law violation as determined by a hierarchy rule used internally at the University of Vermont; this hierarchy rule ranks violations from most egregious to least egregious as: Weapons Law Violations, Drug Abuse Violations, Liquor Law Violations.*

- **Arrest:** Persons processed by arrest, criminal citation or summons.
- **Referral for Disciplinary Action / Disciplinary Referral:** The referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction.
- **Weapon Law Violation:** The violation of state and local laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.
- **Drug Abuse Violation:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include, but are not limited to: Opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); dangerous non-narcotic drugs (barbiturates, Benzedrine); bath salts and their derivatives; and illegally obtained prescription drugs.
- **Liquor Law Violation:** The violation of state and local laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging;

operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation or liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. Drunkenness and driving under the influence are NOT included in this definition, nor is possession of alcohol by an individual 21 years of age or older where such possession is in violation of University policy (i.e. in a residence hall).

Definitions: Hate Crimes

Hate Crime statistics are presented in a narrative format following the statistical tables. A **Hate Crime** is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. In order for an incident to be classified as a Hate Crime, sufficient objective facts must be present to lead a reasonable and prudent person to conclude that the offender's actions were *motivated*, in whole or in part, by bias.

Although there are many possible categories of bias, under the *Clery Act* only Hate Crimes motivated by bias based on Race, Religion, Sexual Orientation, Gender, Gender Identity, Ethnicity, National Origin, and Disability are reported. These categories of bias are defined by the Department of Education below.

- **Race:** A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.
- **Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.
- **Sexual Orientation:** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.
- **Gender:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.
- **Gender Identity:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.
- **Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion), and/or ideology that stresses common ancestry.
- **National Origin:** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.
- **Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such a disability is temporary or permanent, congenital or acquired by hereditary, accident, injury, advanced age, or illness.

Hate Crime statistics are reported for the Primary Reportable Crime categories of Aggravated Assault, Arson, Burglary, Motor Vehicle Theft, Murder/Non-Negligent Manslaughter, Robbery, and Sexual Assault (including Fondling, Incest, Rape, and Statutory Rape). In addition, hate crimes are reported for the offenses of Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property, as defined below.

- **Larceny-Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive Possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.
- **Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- **Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening

words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

- **Destruction/Damage/Vandalism of Property:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it. *Incidents of burning that willfully or maliciously destroy, damage, or deface property are counted as Arson, not Destruction/Damage/Vandalism of Property.*

Definitions: Unfounded Crimes

Beginning with the 2014 crime statistics, the Clery Act has required institutions to report statistics for the total number of crime reports that were “unfounded” and subsequently withheld from crime statistics during each of the three most recent calendar years. The total number of unfounded crimes is reported in a narrative format following the Hate Crime statistics.

For Clery Act purposes, a crime is only considered unfounded if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless. Crime reports can be properly determined to be false only if the evidence from a complete and thorough investigation establishes that the crime reported was not, in fact, completed or attempted in any manner. Crime reports can be determined to be baseless only if the allegations reported did not meet the elements of the offense or were improperly classified as crimes in the first place.

- **Unfounded Crimes:** Clery Act crimes reported to have occurred on the institution’s Clery Act geography that are thoroughly investigated by sworn or commissioned law enforcement personnel and found, through investigation, to be false or baseless, meaning that **the crime did not occur and was never attempted.** Reports of burglaries where investigation determined that the items were misplaced by the owner and burglary did not occur and was not attempted, and reports of motor vehicle thefts where investigation determines that the car was misplaced by the owner and a motor vehicle theft did not occur and was not attempted are not included as unfounded crimes.

PRIMARY CRIME STATISTICS: 2018 – 2020

	On Campus (1)	Public Property	Non-Campus Property	Annual Total: All Geography	Student Housing Facilities (2)
Murder / Non-Negligent Manslaughter					
2018	0	0	0	0	0
2019	0	0	0	0	0
2020	0	0	0	0	0
Manslaughter by Negligence					
2018	0	0	0	0	0
2019	0	0	0	0	0
2020	0	0	0	0	0
Rape (3)					
2018	22	0	5	27	19
2019 (7)	16	0	2	18	14
2020	9	0	1	10	5
Fondling					
2018	9	0	1	10	8
2019	6	0	0	6	5
2020	2	0	0	2	0
Incest					
2018	0	0	0	0	0
2019	0	0	0	0	0
2020	0	0	0	0	0
Statutory Rape					
2018	0	0	0	0	0
2019	0	0	0	0	0
2020	0	0	0	0	0
Robbery					
2018	0	0	2	2	0
2019	0	0	0	0	0
2020	0	0	0	0	0
Aggravated Assault					
2018	0	1	0	1	0
2019	2	0	0	2	0
2020	0	0	0	0	0
Burglary					
2018	11	0	3	14	8
2019	15	0	3	18	5
2020	7	0	0	7	2
Motor Vehicle Theft					
2018	3	0	0	3	0
2019	2	0	0	2	0
2020	4	0	0	4	0
Arson					
2018	0	0	0	0	0
2019	0	0	0	0	0
2020(8)	8	0	0	8	7

VIOLENCE AGAINST WOMEN ACT (VAWA) OFFENSE STATISTICS: 2018 – 2020

	On Campus (1)	Public Property	Non-Campus Property	Annual Total: All Geography	Student Housing Facilities (2)
Domestic Violence (4)					
2018	2	1	1	4	2
2019	7	0	1	8	6
2020	2	0	1	3	0
Dating Violence (5)					
2018	0	0	2	2	0
2019	0	0	0	0	0
2020	0	0	0	0	0
Stalking					
2018	18	0	0	18	8
2019	17	0	1	18	8
2020	3	0	1	4	0

WEAPON, DRUG, AND LIQUOR LAW VIOLATION STATISTICS: 2018 – 2020

	On Campus (1)	Public Property	Non-Campus Property	Annual Total: All Geography	Student Housing Facilities (2)
Arrests: Weapons – Carrying, Possessing, etc.					
2018	0	0	0	0	0
2019	0	0	0	0	0
2020	0	0	0	0	0
Disciplinary Referrals: Weapons – Carrying, Possessing, etc.					
2018	0	0	0	0	0
2019	0	0	0	0	0
2020	0	0	0	0	0
Arrests: Drug Abuse Violations (6)					
2018	2	5	0	7	1
2019	0	0	2	2	0
2020	0	0	0	0	0
Disciplinary Referrals: Drug Abuse Violations (6)					
2018	185	0	1	186	162
2019	189	1	0	190	144
2020	127	0	0	127	113
Arrests: Liquor Law Violations					
2018	0	0	0	0	0
2019	0	0	0	0	0
2020	0	0	2	2	0
Disciplinary Referrals: Liquor Law Violations					
2018	368	0	7	375	344
2019	327	15	0	342	286
2020	336	1	0	337	266

STATISTICAL TABLE CAVEATS

In the statistical tables above, caveats are indicated by numbers in parentheses. There are eight caveats to the above statistical tables. These caveats are described by number below.

1. Incidents that were reported without exact geographic locations but believed by the University to have occurred on campus are included in the On Campus statistics.
2. All crimes in the "Student Housing Facilities" column are also represented in the "On Campus" column. This is in accordance with Department of Education *Clery Act* reporting guidelines.
3. To the extent that sex offenses were reported as "sexual assault" with insufficient information to characterize the type of sexual assault, they have been classified and reported as Rape.
4. These statistics encompass both Domestic Violence and Dating Violence as contemplated by the *Violence Against Women Act* for all crimes reported to have occurred in the State of Vermont, as the State of Vermont's definition of Domestic Violence captures all incidents of Dating Violence as defined by the Act. See Statistical Table Caveat number five for additional details.
5. Due to the inclusion of "household members" in the definition of Domestic Violence under Vermont law [[15 V.S.A. § 1101](#)], all incidents occurring in the State of Vermont considered Dating Violence as defined by the *Violence Against Women Act* are covered under the definition of Domestic Violence and are reported as such. Due to this jurisdictional definition of Domestic Violence, Dating Violence statistics are not separately reportable by the University of Vermont for locations to include On Campus, Public Property, and Student Housing Facilities, as the entirety of each these geographic categories is within the state of Vermont. Incidents of Dating Violence within these geographic locations are reported as Domestic Violence, in accordance with jurisdictional definition of these crimes.
6. Possession and use of marijuana was legalized in the State of Vermont effective July 1, 2018, which has impacted the number of drug abuse arrests and Clery reportable disciplinary referrals at the University of Vermont. Civil citations are not Clery reportable. The possession and use of marijuana on campus remains strictly prohibited by federal law and UVM Policy and subject to disciplinary action.
7. In 2021, the University received additional information about an on campus rape that was first reported in 2019 that clarified that the location where the incident occurred was in a residence hall on campus. Previously, the University only had information indicating that the incident had occurred in an on campus location. To reflect this additional information, the "On Campus Residential" statistic for rape in 2019 has been increased from 13 to 14.
8. In 2020 a single arson incident in the Harris-Millis Complex constituted five separate counts of arson, as five separate posters hanging in the building were burned by a group of individuals who were later identified, arrested, and cited into court for arson.

HATE CRIME STATISTICS: 2018 – 2020

In 2018, 3 crimes were deemed to be bias motivated:

- One incident of intimidation was deemed to be motivated by bias based on Gender Identity. This incident occurred in an on campus location.
- One incident of intimidation was deemed to be motivated by bias based on Religion. This incident occurred in an on campus student housing facility.
- One incident of vandalism was deemed to be motivated by bias based on Race. This incident occurred in an on campus location.

In 2019, 2 crimes were deemed to be bias motivated:

- Two incidents of vandalism was deemed to be motivated by bias based on Race. These incidents both occurred in an on campus location.

In 2020, 4 crimes were deemed to be bias motivated:

- Three incidents of vandalism were deemed to be motivated by bias based on Race. All of these occurred in on campus locations.
- One incident of stalking was deemed to be motivated by bias based on Race. This incident occurred in an on campus location.

UNFOUNDED CRIME STATISTICS: 2018 – 2020

In 2018 there were 2 unfounded crimes.

In 2019 there was 1 unfounded crime.

In 2020 there was 1 unfounded crime.

APPENDIX A:

Violence Against Women Reauthorization Act of 2013 Definitions

The University of Vermont's definitions of relationship violence, sexual assault, and stalking (listed above, see page 10) capture all offenses defined by the Violence Against Women Reauthorization Act of 2013 (VAWA) as dating violence, domestic violence, sexual assault, and stalking. Below is a listing of these offenses as defined by VAWA:

1. **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.
 - a. The existence of such a relationship shall be 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.
 - b. For the purposes of this definition –
 - i. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - ii. Dating violence does not include acts covered under the definition of domestic violence.
2. **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.
3. **Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."
4. **Stalking:**
 - a. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to –
 - i. Fear for the person's safety or the safety of others; or
 - ii. Suffer substantial emotional distress
 - b. For the purposes of this definition –
 - i. *Course of conduct* means two or more acts, including, but not limited to, acts 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.
 - ii. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
 - iii. *Substantial emotional distress* means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.

APPENDIX B: Vermont Criminal Statute Definitions

The University of Vermont department of Police Services has full law enforcement authority in the State of Vermont as enacted by the General Assembly of the State of Vermont: Title 16 VSA § 2283. The State of Vermont Statutes contain jurisdictional criminal definitions of domestic violence, sexual assault, and stalking. In addition to enforcement of University of Vermont policies and compliance with the Violence Against Women Reauthorization Act of 2013, The University of Vermont, through the department of Police Services, enforces the Vermont Criminal Statutes. This includes enforcement of laws against domestic violence, sexual assault, and stalking. Vermont criminal definitions of these acts are listed below:

Domestic Violence (defined in 15 V.S.A. § 1151)

"Domestic violence" means an act of abuse as defined in subdivision 1101(1) of this title and includes a threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law enforcement officers.

15 V.S.A. § 1101 Definitions

The following words as used in this chapter shall have the following meanings:

1. **"Abuse"** means the occurrence of one or more of the following acts between family or household members:
 - a. Attempting to cause or causing physical harm.
 - b. Placing another in fear of imminent serious physical harm.
 - c. Abuse to children as defined in subchapter 2 of chapter 49 of Title 33.
 - d. Stalking as defined in 12 V.S.A. § 5131(6).
 - e. Sexual assault as defined in 12 V.S.A. § 5131(5).
2. **"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;
 - d. the length of time since the relationship was terminated, if applicable.

NOTE: There is no separate definition of "dating violence" in the Vermont Statutes. Notably, the above statutory definition of domestic violence captures all incidents characterized by VAWA as dating violence.

Sexual Assault (defined in 15 V.S.A. § 1151)

"Sexual assault" means an act of assault as defined in 13 V.S.A. § 3252(a) or (b) (sexual assault) or 3253(a) (aggravated sexual assault), and includes a threat of such acts, regardless of whether these acts or threats have been reported to law enforcement officers.

Sexual assault (13 V.S.A. § 3252)

- A.** No person shall engage in a sexual act with another person and compel the other person to participate in a sexual act:
 1. without the consent of the other person; or
 2. by threatening or coercing the other person; or
 3. by placing the other person in fear that any person will suffer imminent bodily injury.
- B.** No person shall engage in a sexual act with another person and impair substantially the ability of the other person to appraise or control conduct by administering or employing drugs or intoxicants without the knowledge or against the will of the other person.

APPENDIX B

- 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.

NOTE: For the purposes of the above, the following definitions should be used (from 13 V.S.A. § 3251):

(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.

(3) "**Consent**" means words or actions by a person indicating a voluntary agreement to engage in a sexual act.

Stalking (13 V.S.A. § 1061)

- 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. (Added 1993, No. 95, § 1; amended 1999, No. 124 (Adj. Sess.), § 3; 2005, No. 83, § 4; 2013, No. 150 (Adj. Sess.), § 1; 2015, No. 162 (Adj. Sess.), § 5.)