

Sexual Assault Policy for Language Schools and Graduate Programs

Introduction

Middlebury College policies strictly prohibit sexual harassment and sexual assault. The College's Anti-Harassment Policy, available on the College's web site (<http://go.middlebury.edu/anti-harassment>), prohibits many forms of harassment including sexual harassment, and examples of such behaviors are outlined in the policy statement. It should be recognized that sexual harassment includes a range of behaviors up to and including coerced sexual contact that may involve sexual assault (as defined below).

The Anti-Harassment Policy applies to faculty, staff, and students. This means that a member of the faculty or staff or a student may choose to bring a charge regarding an alleged sexual assault under the Anti-Harassment Policy and procedures, when applicable. For example, if a student is sexually assaulted by a staff person or faculty member, the student may choose to bring a complaint against that staff person or faculty member under the College's Anti-Harassment Policy, if applicable. Also, if a faculty member is sexually assaulted by a student, the faculty member may bring a charge of sexual assault against the student under the College's Anti-Harassment Policy, if applicable.

The College also maintains separate sexual assault policies that apply only to situations where a student is alleged to be the victim of a sexual assault. The Sexual Assault Policy for Language Schools and Graduate Programs outlined below describes information and resources that are specifically applicable to alleged sexual assaults of students, describes two procedural features that are unique to such situations, and otherwise incorporates by reference the complaint procedures that apply to harassment complaints made in Language School and Graduate Programs.

All members of the College community (faculty, staff and students) have the right to pursue sexual assault and sexual harassment charges beyond the College, utilizing local, state, or federal enforcement agencies as is appropriate, regardless of whether they choose to file a complaint on campus.

Additional information on sexual assault and sexual harassment can be found on the College's web site. Printed copies of Anti-Harassment and Sexual Assault Policies are also available at the Department of Public Safety and the Office of the Vice President for Language Schools, Schools Abroad and Graduate Programs or the other locations identified in Appendix A (attached hereto).

Middlebury College Sexual Assault Policy for Language School and Graduate Program Students

As an educational institution, Middlebury College is committed to promoting, through educational and awareness-raising activities, a campus environment where sexual assault and exploitation are recognized as wholly unacceptable, and where survivors of sexual assault are provided support and avenues of redress as appropriate. The Language Schools and Graduate Programs educate faculty and students about sexual assault issues through discussion of those issues at orientation sessions, publications available through the counseling and health centers, Public Safety, and the Office of the Vice President for Language Schools, Schools Abroad and Graduate Programs, and in training sessions for those in supervisory positions.

Sexual assault, including rape, is a form of violence used to exert power and control over another person. Sexual assault is defined as including¹:

Engaging in a sexual act with another person:

By compelling the other person to participate in a sexual act without consent; or

By threatening or coercing the other person; or

By placing the other person in fear that any person will suffer imminent bodily injury; or

Having impaired 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.

In addition, sexual assault also includes a person engaging in a sexual act with another person when that other person:

Is mentally incapable of understanding, or for any reason, including intoxication, is unaware of the sexual act; or

Is physically incapable of resisting or of communicating an unwillingness to participate; or

Is under the age of 16.

For purposes of this policy, a "sexual act" is defined as meaning 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.

¹ Where the law applicable to a particular Middlebury College program mandates a different definition of sexual assault, said law will apply.

Sexual assault and attempted sexual assault violate Middlebury College policy, and are prohibited. Students found to have violated this policy are subject to disciplinary sanctions up to and including expulsion from the College. Conduct that violates Middlebury College policy may also violate state law.

A student who believes he or she may have experienced sexual assault is encouraged to seek medical care and supportive counseling as soon as possible. At Middlebury's Vermont campus, evidence of such an assault may be collected during a medical examination at the Parson Health Center by a Sexual Assault Nurse Examiner (SANE) after an assault has occurred. Similar resources for non-Vermont Middlebury College programs can be found by contacting the Human Relations Officer on a particular campus and/or the office of the Vice President of Language Schools, Schools Abroad, and Graduate Programs at the Vermont campus.

Students are encouraged to seek assistance from the many campus and community resources available to them.

Summary of Resources for Survivors of Sexual Assault or Attempted Sexual Assault

A student who believes he or she has experienced sexual assault may file a formal complaint at the College and/or pursue criminal charges or legal remedies.

On behalf of the College, College officials have several options that they can offer to a survivor of sexual assault, as appropriate to the circumstances, including:

- i. discussion about options regarding different levels of addressing the assault;
- ii. assistance with pursuing a formal complaint as provided below;
- iii. facilitation of a mediated discussion with the alleged perpetrator;
- iv. issuance of a no-trespass or no-contact letter;
- v. referral to counseling and other support services;
- vi. academic allowances or changes in living arrangements; and
- vii. assistance in notifying proper law enforcement authorities, which the College will provide, if the student so chooses.

Students are encouraged to report incidents of sexual assault to the Human Relations Officer assigned to the particular program site (see Appendix A), the Department of Public Safety, the Office of the Vice President for Language Schools, Schools Abroad and Graduate Programs, and/or the local police department (as appropriate given the type and location of the College program at issue) or the office of public safety at other program sites, and to seek medical care and supportive counseling.

Confidentiality

In general, the law recognizes and protects the confidentiality of communications between a person seeking care and a medical or mental health professional or religious advisor. The medical, mental health, and religious professionals at Middlebury College respect and protect confidential communications from students. Medical and mental health professionals are required by law, however, to report any incident of sexual assault of a person under 18; and any recipient of a confidential communication may have to breach that confidence where there is perceived to be an immediate and serious threat to self, others, or property.

Resources for Middlebury College Programs in Vermont

Please contact the Human relations Officer or on-site administrator for similar information pertaining to Middlebury College programs elsewhere (see Appendix A attached hereto).

On Campus

Parton Health Center, Ext. 5135

Sexual Assault Nurse Examiners (SANE) are on staff at Parton Health Center to coordinate the physical and psychosocial care of the sexually assaulted patient. They have received specialized training to provide comprehensive care to victims of sexual assault including physical assessment and collection of forensic evidence using a Sexual Assault Evidence Kit ("Rape Kit"). They are on-call 24 hours a day. Please see information under Community Resources: Porter Hospital Emergency Room below. Registered nurses, a physician, and nurse practitioners are available as an adjunct to the SANE's to provide medical care, testing, support, information on pregnancy and sexually transmitted diseases, emergency contraception and referrals. Care to students is provided at no cost. Lab tests done at the Health Center or outside lab tests or medical care will be paid for by the Vermont State Victim's Compensation Fund at the student's request. Services are confidential and information is not shared without the student's written permission, with the limited exceptions stated above, where there is an immediate threat to a person's life or safety, or where a person under the age of 18 has been sexually assaulted.

Center for Counseling and Human Relations, Ext. 5141

Individual short-term and crisis counseling is available. These services are confidential, except in the limited circumstances described herein. Mental health professionals are required to report to law enforcement authorities the sexual assault of a person under the age of 18, or where there is risk of immediate danger to self, others, or property. Consequently, in some circumstances, providers may not be able – legally or ethically – to maintain confidentiality. If you need to speak with a counselor after 5:00 p.m. or on a weekend, call the Health Center and the nurse on duty will call a counselor for you.

College Chaplain, Ext. 5626

The College Chaplains are available to provide supportive and confidential counseling.

Department of Public Safety, Ext. 5911.

If you have been sexually assaulted, you are encouraged to report the incident to the Department of Public Safety. Public Safety is available to provide transportation to Parton Health Center or to the Porter Medical Center Emergency Room. Upon receiving a report of sexual assault, Public Safety may alert the campus and community that a sexual assault has occurred if there is concern about further risk to others. The warning will be general and will not specify your name or other identifying information. Reports of sexual assault made to Public Safety will result in the notification of the sexual assault incident to the Human Relations Officer, the Vice President for Language Schools, Schools Abroad and Graduate Programs, and/or the Health Center (as appropriate given the type and location of the College program at issue). Reporting a sexual assault to Public Safety does not commit you to pursuing a complaint. The Department of Public Safety, and the College, also encourage survivors to report any sexual assault to the Middlebury Police.

Human Relations Officer, Ext. 5685

Formal complaints should be directed to the designated Human Relations Officer or the alternate Human Relations Officer for the particular College program at issue. Contact information for these individuals is provided in Appendix A (attached hereto).

Off Campus

WomenSafe (802) 388-4205 or 800-388-4205

Based in Middlebury, WomenSafe offers support, counseling, and advocacy services-24 hours per day. Despite the name, services are available to both women and men. The services are confidential, to the extent permitted by law.

SafeSpace (802) 863-0003

SafeSpace describes itself as a "social change and service organization working to end violence in the lives of lesbian, gay, bisexual, transgender, queer and questioning people." Located in Burlington, SafeSpace services include support for survivors, advocacy with and on behalf of survivors in court, at the hospital, and with police and other service agencies. Hours to call are Monday – Friday, 8:00 a.m. to 5:00 p.m.

Porter Hospital Emergency Room 388-4701

Middlebury's local hospital is available to provide medical treatment and to collect physical evidence. Porter Hospital has specially trained Sexual Assault Nurse Examiners to collect the necessary evidence. Having evidence collected does not commit you to notifying police of the assault. It will allow you to preserve evidence while you take time to decide if you want to report the sexual assault to police. A lengthy delay in reporting the assault to police may make the case more difficult to prove. If you bathe, change clothes or otherwise alter your physical condition before having evidence collected, then you may be washing away valuable evidence of the crime. If you are under the age of 18, medical personnel will be required to notify police of the assault. The Victim's Compensation Fund is available to pay for most medical and other expenses.

Vermont Statewide Emergency Number (800) 489-RAPE

This number will automatically connect the caller with the local Domestic Violence/Sexual Assault program.

For Victims with Disabilities (800) 489-7273

This number will automatically connect the caller with the local program for crisis intervention, peer counseling, court advocacy, information, referral and other services.

Middlebury Police or Vermont State Police
(802) 388-3191 (802) 388-4919

You may report an assault to the police. Assaults on campus should be reported to the Middlebury Police Department. Assaults occurring in Vermont, but outside the town of Middlebury, should be reported to the Vermont State Police. Assaults that occur outside of Vermont should be reported to the police department that serves the location where the assault took place.

In Vermont, reporting the assault to the police will result in an investigation of the crime. Police will interview you and take a detailed statement of what occurred. You may have persons present with you during the interview to provide emotional support. The police will also interview witnesses, collect any physical evidence, and attempt to interview the assailant.

You should provide the names of any witnesses to the crime or names of any witnesses who saw you and the assailant together immediately before or after the assault. Police will interview witnesses, collect physical evidence (clothing worn at the time, bed clothes, condoms, condom wrappers, items handled by the assailant), photograph any injuries and will attempt to find and interview the assailant.

Once the investigation is completed, the police will bring the paperwork to the State's Attorney who will decide what, if any, charges should be filed. It is the State's Attorney's decision alone as to whether charges are filed.

If charges are filed, the State's Attorney's Office will provide you with more information regarding procedures, and your rights during a criminal judicial process. The Victim's Assistant at the State's Attorney's Office will provide you with information regarding counseling, and restitution for medical or other expenses, and will keep you advised as to the progress of the case while it is pending.

If charges are filed, you will be expected to attend an informal meeting where you will be questioned under oath by the defense attorney. This is called a deposition. The State's Attorney will be present at the meeting and will make sure that you are treated with dignity and respect. In Vermont, questioning regarding a survivor's sexual history is not permitted at any time during the case.

Although most cases are settled without a trial, you may be required to appear in court and testify regarding the details of the assault. The Vermont media generally have a policy of not reporting the name of the survivor in any news accounts of the trial or other proceedings.

During the time the case is pending the defendant will not be permitted to have any contact with you.

The telephone number for the Addison County State's Attorney's Office is 388-7931.

Resources for Middlebury College Programs Outside of Vermont

Please contact the Human relations Officer or on-site administrator for further information pertaining to Middlebury programs elsewhere (Appendix A).

Middlebury at Mills College: Sarah Bothe, Ph.D., licensed psychologist: (510) 464-4652

Mills College Public Safety: (510) 430-5555 (for emergency assistance).

Bay Area Women Against Rape (BAWAR), the nation's first rape crisis center, was formed in 1971. BAWAR provides free in-person counseling to survivors of sexual assault and their significant others. It also offers accompaniment to police, court and hospital, a 24-hour hotline, support groups, and community education.

24 hour free hotline: (510) 845-RAPE (7273)

Office: (510) 430-1298

Address: 470 27th Street, Oakland, CA 94612, located within the Alameda County Family Justice Center (www.acfjc.org)

Highland Sexual Assault Center

Highland Hospital Campus
1411 East 31st Street
Oakland, CA 94602
Hotline (510) 534-9290
Business: (510) 534-9291

San Francisco Women Against Rape (SFWAR) offers 1-to-1 peer counseling, support groups, a 24-hour support hotline, medical and legal advocacy, and referrals.

24 hour free hotline: (415) 647-RAPE (7273)

Office: (415) 861-2024

Address: 3542 18th Street, #7, San Francisco, CA 94110

Alternative Academic and Living Situations

The College will change an alleged victim's academic and/or living situation(s) after an alleged sexual assault, if changes are requested by the alleged victim and are reasonably available.

Pursuing a Formal Complaint on Campus

Whether or not to file a complaint with the College is up to the student who is the survivor of an assault. A student who believes he/she has been assaulted by another student may speak with the Vice President for Language Schools, Study Abroad and Graduate Programs or designee (as appropriate given the type and location of the College program at issue) about the incident and seek support without pursuing formal action.

In the unusual circumstance in which the Vice President or designee determines there is significant risk to members of the College community, the Vice President or designee may be obligated to pursue action to protect the community. The Vice President or designee is obligated to report allegations against a faculty or staff member to the designated College administrative office for appropriate action.

If the student decides to pursue a formal complaint, the matter will be processed generally in accordance with the procedures set forth in Section B. of the College's Anti-Harassment Policy (unless applicable law requires otherwise). In addition to the other terms of those procedures, in sexual assault matters, the following unique terms will apply: 1) the accuser and the accused will have the same opportunities to have others present during a disciplinary proceeding, to the extent procedures used in a particular case would constitute a disciplinary proceeding; and 2) both the accuser and the accused will be informed of the College's final determination with respect to the alleged sexual assault and any sanction that is imposed on the accused.

Privacy

Students should know that reports made to the Department of Public Safety will be shared with the Human Relations Officer, the Vice President for Language Schools, Schools Abroad and Graduate Programs, and the Health Center (as appropriate given the type and location of the College program at issue). Reports made directly to the Health Center and the Counseling Center are considered confidential medical records, and will not be shared with others without the student's consent (unless disclosure to appropriate individuals or agencies is necessary because of a risk of immediate danger to the student, others, or property). Reports or records maintained by the College (including medical records) may, however, be subject to subpoena if a civil or criminal charge is filed in court.

Notification

As noted above and as required by law, both the accuser and the accused will be informed of the College's final determination with respect to an alleged sexual assault, and of any sanction that is imposed on the accused. The accused will receive notification in writing; the accuser will be informed verbally. The Department of Public Safety will be notified of any safety-related issue such as a No Contact Order, or a student being restricted from campus.

Effective date: June 9, 2009

APPENDIX A

Middlebury Summer Language Schools (Vermont)

Elizabeth Karnes Keefe
Human Relations Officer
Middlebury College
Sunderland Language Center 210
Middlebury, VT 05753
802.443.5685

Bread Loaf School of English (All sites)

Bread Loaf Writers' Conference

Elizabeth Karnes Keefe
Human Relations Officer
Middlebury College
Sunderland Language Center 210
Middlebury, VT 05753
802.443.5685

Alternate Human Relations Officer (All Middlebury Programs)

Laura Carotenuto
Alternate Human Relations Officer
Middlebury College
Human Resources
Service Building
Middlebury, VT 05753
802.443.2012

Vermont Agencies:

Vermont Attorney General's Office Civil Rights Unit

109 State Street, Montpelier, VT 05609
(802) 828-3657 or 888-745-9195 (toll free in Vermont) or (802) 828-3665 (TTY)
www.atg.state.vt.us

Equal Employment Opportunity Commission, Boston Area Office

One Congress St., 10th Floor, Room 1001, Boston, MA 02114
(800) 669-4000 or (617) 565-3200 (voice),
(800) 669-6820 or (617) 565-3204 (TTY)
www.eeoc.gov

Office for Civil Rights/Boston, U.S. Department of Education

33 Arch Street, Suite 900, Boston, MA 02110
Tel.: (617) 289-0111
www.ed.gov/ocr

Vermont Human Rights Commission

135 State Street, Drawer 33
Montpelier, VT 05633-6301
(802) 828-2480 (phone and TTY)
(800) 416-2010 (toll free in Vermont only)
877-294-9200 (TTY)
www.hrc.state.vt.us

Middlebury Summer Language Schools at Mills College

Laura Wineland
Human Relations Officer
5000 MacArthur Blvd.
Oakland CA 94613
510.430.2284

California Agencies:

Office for Civil Rights

U.S. Department of Education
50 Beale Street, Suite 7200
San Francisco, CA 94105
Phone: 415.486.5555

Equal Employment Opportunity Commission (EEOC)

350 The Embarcadero
Suite 500
San Francisco, CA 94105-1260
Phone: 1-800-669-4000

Department of Fair Employment and Housing (DFEH)

Department of Fair Employment and Housing
Oakland District Office
1515 Clay Street, Suite 701
Oakland, CA 94612
Telephone: (510) 622-2941

On-Site Contacts:

Bread Loaf School of English/ (Vermont)

James Maddox, Director
Emily Bartels, Associate Director
Bread Loaf CPO
4265 Ripton 125
Middlebury, VT 05753
802.443.5418

Bread Loaf School of English (North Carolina)

Tilly Warnock, Director
Karpen Hall #213, CPO #2130
One University Heights, UNC Asheville
Asheville NC 28804
828.251.6603

North Carolina Agencies:

Office for Civil Rights

U.S. Department of Education
1100 Pennsylvania Ave., N.W. Rm. 316
P.O. Box 14620
Washington, D.C. 20044-4620
Phone: 202.786.0500

Equal Employment Opportunity Commission

Charlotte District Office
129 West Trade Street
Suite 400
Charlotte, NC 28202
Phone: 1.800.669.4000

Bread Loaf School of English (New Mexico)

Cheryl Glenn, Director
St. John's College
1160 Camino Cruz Blanca
Santa Fe, NM 87505
505.995.4084

New Mexico Agencies:

Office for Civil Rights

U.S. Department of Education
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582
303.844.5695

Equal Employment Opportunity Commission

505 Marquette, NW
Suite 900 – 9th Floor
Albuquerque, NM 87102
1.800.669.4000

Bread Loaf School of English (Oxford)

John Fyler, Director

Lincoln College

Oxford OX1 3DR

United Kingdom

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