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#### Mills College

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Introduction

This Annual Security Report contains information on security programs, policies, procedures, safety practices and fire safety systems for the Middlebury Language Schools at Mills College in Oakland, California (hereinafter referred to as “Middlebury” or “Middlebury at Mills”). It also includes statistics for the previous three years concerning reported crimes that occurred on Mills College property and in buildings that were controlled by Middlebury during the time that the Middlebury at Mills Language Schools were in session. It also includes statistics for reported crimes that occurred on public property immediately adjacent to and accessible from the Mills College campus during the time that the Middlebury at Mills Language Schools were in session.

This information has been compiled and released in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”) and the Violence Against Women Reauthorization Act of 2013. Electronic copies of the Annual Security Report are posted on the Mills College Department of Public Safety website and are distributed via email to all students, faculty, and staff who attend the Middlebury at Mills Language Schools. Printed copies are available and are provided upon request by the dean of the Language Schools or a member of the Middlebury at Mills administrative staff.

Middlebury at Mills Language Schools students, faculty and staff may also access the Mills College Annual Safety, Security and Fire Report for additional information regarding the Mills College campus. This report includes statistics for the most recent three year period concerning reported crimes and/or fires that have occurred on campus, in certain buildings or property owned or controlled by Mills College, and on public property within, or immediately adjacent to and accessible from the campus. The report also includes institutional public safety and security policies concerning alcohol and drug use, crime prevention, the reporting of crimes, and sexual assault. Copies of this report may be obtained from the Mills College Department of Public Safety Administrative Office at CPM 113, via mail addressed to 5000 MacArthur Blvd. CPM 113, Oakland, CA 94613, by phone at 510.430.5555, via email at safety@mills.edu.

Mills College Public Crime and Fire Logs for the most recent 90 day period are available for public review in the Department of Public Safety Administrative Office at 5000 MacArthur Blvd., CPM 113, Oakland, CA 94613 and online at https://inside.mills.edu/student_services/safety_and_transportation/safety_stats.php. Portions of the Public Crime and/or Fire Log older than 90 days are available upon request within three business days.

All faculty, staff, and students play important roles in crime prevention. By following safety policies and reporting suspicious or criminal activity to the appropriate authorities in a timely manner, community members can help reduce crime and increase safety.

The Department of Public Safety at Mills College

The mission of the Mills College Department of Public Safety and Transportation (“Mills Public Safety” or “Public Safety”) is to provide students, faculty, staff, administration and visitors a safe and secure working environment by focusing on customer service, best practices and professional development.

Mills Public Safety reports to the Associate Vice President of Operations, working closely with all departments to ensure safety policies and procedures are uniformly conveyed, understood and executed in a clear and consistent manner.

Middlebury College contracts with Mills College for public safety services during the operation of the Middlebury summer Language Schools on the Mills College campus. The Public Safety Administrative Offices are located in CPM Offices 113-115. Administrators are available to assist with parking permits,
ban requests, citation appeals, transportation, incident reporting, campus emergency exercises and preparedness training. The summer office hours are Monday-Friday 9:00 A.M.—12:00 P.M. and 1:00 P.M.—4:00 P.M. Administrative offices are closed weekends and for holiday observances.

Department operations are overseen by the Director of Public Safety, and staff members include three non-sworn shift sergeants, nine non-sworn security officers, and an Administrative Assistant. Public Safety staff members are responsible for a full range of safety services, including investigations, Closed Circuit Television monitoring, building security, emergency and medical response, disaster and fire safety training, traffic accident reporting and the enforcement of applicable policies including those relating to drug and alcohol use, and weapons possession. All Public Safety officers are CA state licensed, unarmed private security professionals, possessing the same arrest powers as private citizens. Reports that are criminal in nature are referred to the Oakland Police Department (OPD) at the request of reporting party(ies), and are thereafter entered into OPD record.

Richards Gatehouse is staffed with an officer at all times. Uniformed officers, shift sergeants, and a director provide round-the-clock patrol.


**Working Relationship with California Law-Enforcement Agencies**

Mills Public Safety strives to maintain a close working relationship with the Oakland Police Department (“OPD”), communicating periodically with OPD liaisons regarding incidents on and around campus. Occasionally, Public Safety will work with other government and/or law-enforcement agencies. Mills College’s, Memorandum of Understanding (MOU) with OPD, or contractual agreement concerning support and command in the event of crisis, is currently under review by Campus Security Authorities and Department supervisory staff. A draft version of this document is available upon request in the Department of Public Safety Administrative Office.

**Public Safety Staff, Interagency Cooperation, and Enforcement Authority**

All Public Safety Officers and administrative staff must submit to a criminal background check prior to employment. Staff members receive annual and ongoing training, evaluation, policy and procedural assessment to preserve industry standards of service. Public Safety personnel reflect a variety of safety and security backgrounds, including law enforcement, military, and private security. This collective unit of officers and administrators handle internal events and monitor the campus under the supervision of the Director of Public Safety.

As part of Mills ongoing commitment to exceptional service, the Department of Public Safety & Transportation readily welcomes community feedback on staff interactions. Officer Commendations and service complaints may be submitted:

- **In person** at the Department of Public Safety Administrative Office at CPM (Chemistry, Physics, and Math Building) Room 113
- **Via mail** to 5000 MacArthur Blvd., CPM 113 Oakland, CA 94613
- **By phone** at (510) 430-5555
- **Via email** at Safety@mills.edu
- **On the web** at www.mills.edu/student_services/safety_and_transportation/staff.php

Public Safety staff members take pride in their work and appreciate positive feedback.
All service complaints and/or alleged misconduct by employees and contracted department staff will be investigated by college officials in a timely manner. The Director of Public Safety will review all investigation findings to determine appropriate corrective measures. Complainants who file formal complaints will be notified of investigation outcomes in writing.

Mills Public Safety strives to work closely with the OPD, the Alameda County Prosecutor’s Office, and their Victim/Witness Program. Any report of incidents involving students at Mills, on or off campus, are forwarded to the Director of Public Safety, designated Mills appointee, or a member of the Middlebury at Mills administrative staff to safeguard the best interests of students, employees and community members. Mills College considers personal safety as a priority, --reviewing, referring, and acting upon all incident reports and safety concerns accordingly.

Students are required to comply with the directives of Mills Public Safety personnel and any Mills or Middlebury at Mills official, in the performance of their assigned duties. Students are required to present valid identification when requested to do so. As a private institution, Mills Public Safety Officers reserve the right to deny access and/or detain a person to investigate their purpose on campus. Public Safety has the authority to issue parking citations on campus grounds and holds responsibility for the enforcement of policies, rules, and regulations set forth by Mills College and the Middlebury at Mills program, which includes the reporting of criminal violations to proper authorities. All Public Safety staff members are held to the highest standard of confidentiality, and can be made available to assist in the filing of incident reports.

**Off-Campus Crime(s)**

Mills College Department of Public Safety is neither a government, nor a law enforcement agency and therefore has no legal authority or obligation to respond to any incident occurring outside of Mills College property. Mills Public Safety’s patrol jurisdiction does not extend outside of Mills College property and therefore Public Safety does not respond to or investigate incidents occurring on such streets as MacArthur Blvd, Seminary Ave, Interstate 580, etc.

Possible exceptions may include:

1. an incident involving the physical exterior of Mills College, such as damage to an exterior fence;
2. an incident posing an immediate threat to individuals on Mills College property; or
3. the dumping of outside refuse onto Mills property.

As any action taken by Public Safety staff in response to off campus incidents may be perceived by the government and/or law enforcement as interfering with local authorities or impersonating a law enforcement officer, campus safety authorities are restricted to the jurisdiction of Mills property. With regard to off-campus incidents, Mills College personnel are required to contact proper authorities and act as witnesses to reported events (observe and report).

If the Department of Public Safety is contacted regarding off-campus criminal activity involving Middlebury at Mills students, faculty or staff, Middlebury’s disciplinary policies and procedures may apply. See, e.g., Middlebury’s Policy Against Sexual Misconduct, Domestic and Dating Violence and Misconduct, and Stalking (“SMDVS policy”) and the Middlebury Handbook.
Reporting Procedures

An emergency is any immediate threat to life and/or property that requires immediate response from police, fire, or emergency medical services. Examples include crimes in progress, fire, or a serious injury or illness.

To report crimes, emergencies or fire safety concerns, Middlebury at Mills community members should call the Security Gatehouse at 510.430.5555 or x5555 from any campus extension. For life threatening emergencies, immediately dial 911 from any campus extension or from a cell phone, dial 510.777.3211 for Oakland Police Emergency Dispatch. Be prepared to provide dispatchers with the location of the emergency. If time permits, call the Security Gatehouse so they may be alerted to the approach of emergency services and can assist in directing responders.

Reporting an Emergency

- Dial 911.
- Stay on the line with the dispatcher.
- Provide the address, the location, and a description of the emergency.
- Provide the phone number at your location or the cell phone number.
- Describe the incident thoroughly so the dispatcher can send you the appropriate resources.
- If you accidentally misdial, do not hang up. Stay on the line and tell the dispatcher you misdialed. Hanging up may cause emergency personnel to respond and investigate to ensure there is not an emergency.

Accurate and Prompt Reporting

We encourage Middlebury at Mills community members, students, faculty, staff, and guests to immediately report all crimes, suspicious activity, and public safety related incidents and hazards to Public Safety accurately and in a timely manner. This should also be done when a victim elects to, or is unable to, make such a report. If assistance is required from the Oakland Police or Fire Departments, Public Safety staff can contact the appropriate services and/or agencies. If sexual assault (including rape, fondling, incest, and statutory rape), domestic violence, dating violence, stalking or other crimes occur, staff on the scene, including Public Safety, will offer the victim services and options for filing a report. Crimes should be reported to Public Safety to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate.

Reports can be made in person to Mills College Public Safety, which is located in the Chemistry, Physics, and Math Building (CPM) Room 113. The office is open Monday–Friday 9:00 A.M.–noon and 1- 4:00 P.M. Public Safety officers are always patrolling the campus and monitoring the front gate.

Mills College Department of Public Safety encourages you to report suspected crimes and emergencies as promptly and as accurately as possible. If you need to report a crime in progress or other emergency you should dial 510.430.5555 (x5555 from campus phones). Please be prepared to provide the dispatcher with your name, a description of the type of emergency, and the location of the emergency. The Mills College campus is also equipped with six (6) Emergency Call Boxes. These units, identified by the blue light on the top and reflective markings, are strategically placed throughout the campus. Please do not hesitate to use the call box for emergency assistance: vehicle accident, medical assistance, crime in progress, safety hazard, etc.
If a Middlebury student, staff member, or faculty member becomes aware of a crime or emergency or needs to make a request for related assistance connected with a non-campus location (that is, any building or property owned or controlled by Middlebury that is used in direct support of Middlebury’s educational purposes and which is frequently used by students, but which is not within the same reasonably contiguous geographic area as one of Middlebury’s campuses), they are encouraged to contact the police (dial 911) and the on-site director or designee or the officials responsible for security-related issues or administration at that location, and to local police agencies as appropriate and/or required by applicable law. See contact information below.

**Contact Information**

- **Emergencies:** 911
- **Ambulance, Police, or Fire Department:** 911
- **Mills College Public Safety:** 510.430.5555 (x5555 from campus phones)
- **Oakland Police:** From your cell phone: 510.777.3211

Reports can also be made in person at the Mills College Public Safety Administrative Office, CPM Room 113, Mills College, Oakland, CA.

If you mistakenly dial 911, please do not hang up, since all calls are captured by the 911 system. Stay on the line and talk to the 911 dispatcher before you disconnect. In the event of a hang-up, emergency service personnel will attempt to call you back, or if there is no answer, will send someone to the location you called from.

**Language Schools at Mills**

*Sasha Miyamoto, Program Coordinator*
PMB 9972, 5000 MacArthur Blvd.
Oakland, CA 94613
802-443-3036
smiyamot@middlebury.edu

*Dan Fisher, Operations Manager*
PMB 9972, 5000 MacArthur Blvd.
Oakland, CA 94613
802-443-3034
dfisher@middlebury.edu

Mills College Public Safety will also call emergency medical responders to campus. After you have called an emergency number, call Public Safety so a dispatcher can direct emergency vehicles to the correct location on campus.

People may go directly to the emergency room. Alameda Hospital is about five miles from campus and Alta Bates Summit Emergency Room is approximately six miles away. People with possible neck or spine injuries should never be moved. Always call an ambulance.

Upon request, Public Safety will assist anyone in filing reports with the local police. Use any campus phone to reach the Mills College Public Safety office at x5555. Public Safety will contact the fire department, police, and other emergency resources as required. Be certain to let your school director or bilingual assistant know immediately if you have left campus for emergency care, so they can follow up and assist you.
**Clergy Act Crime Reporting**

Any Middlebury at Mills student, faculty, or staff member who has information about a Clergy Act crime (see definitions below) or other crimes is requested to report the crime to:

- Mills College Public Safety (510-430-5555)
- Middlebury College Department of Public Safety (802-443-5133)
- On-site Middlebury at Mills administrative staff (see contact information above)
- Middlebury’s Title IX Coordinator/Compliance Officer (802-443-3289)

Reporting is important for safety reasons and for inclusion in the Clergy Act crime statistics. The information also helps us determine whether or not a timely warning is needed (see Timely Warning, below).

**Confidential Reporting**

Campus “pastoral counselors” and campus-based “professional counselors,” when acting as such, are not considered campus security authorities and are not required to report crimes for inclusion into the annual disclosure of crime statistics. Counselors are defined as follows:

1. **Pastoral counselor**: An employee of an institution who is associated with a religious order or denomination, who is recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

2. **Professional counselor**: An employee of an institution whose official responsibilities include providing mental health counseling to members of the institution’s community and who is functioning within the scope of the counselor’s license or certification.

**Anonymous Reporting**

If you witness or are a victim of a crime and do not wish to pursue internal action with Middlebury at Mills or the criminal justice system, you may still want to consider making an anonymous report. With your permission, the department can file an anonymous report of the incident details without revealing your identity. The purpose of the confidential report is to comply with any requests to 1) remain anonymous as either a victim or witness to criminal activity; and 2) keep report matters confidential, while taking steps to ensure the future safety of the reporting person and others. Voluntary, confidential reporting of crimes for inclusion in annual disclosure of crime statistics may be made to Mills College Public Safety (see contact information above) and/or the Middlebury College Department of Public Safety (802.443.5133). Such reports will allow Middlebury at Mills and Mills College officials to keep an accurate record of the number of incidents involving students, employees and visitors; determine where there is a pattern of crime with regard to a particular location, method or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed only as anonymous statistical data in annual campus crime reports.
In addition to making anonymous reports internally as described above, anonymous reports may be made by contacting the Oakland Police at the numbers below.

**Oakland California Tip Lines:**
- Homicide: 510.238.3821
- Illegal Drugs: 510.238.3784
- Illegal Firearm or Firearm Offense: 510.535.4867
- Sexual Assault Hotline: 510.637.0298

**Campus Security Authority (CSA)**

A Campus Security Authority (CSA) is someone to whom you can report a crime and includes the following groups of individuals and organizations associated with an institution:

- A campus police department or a campus security department of an institution.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).
- An individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including but not limited to student housing, student discipline, athletics, and campus judicial proceedings.

The following are Campus Security Authorities for Middlebury at Mills: program directors, assistant directors and/or associate directors of each Language School, vice president for academic affairs and dean of the Schools, the deans and associate deans of Language Schools, the Middlebury Operations Manager at Mills, Mills Associate Vice President (AVP) for Operations, Public Safety staff at Mills College, the Middlebury Program Coordinator at Mills, Public Safety staff at Middlebury College, and Middlebury’s Title IX Coordinator/Compliance Officer.

You report a crime when you bring it to the attention of a CSA, and that report should be made in good faith. You can also make a report by filing out the Campus Security Authority crime-report form. This report will be forwarded to the Middlebury College Department of Public Safety. The CSA report form is located on Middlebury’s webpage at [www.middlebury.edu/offices/health/publicsafety/csa/node/439436#CSA41T](http://www.middlebury.edu/offices/health/publicsafety/csa/node/439436#CSA41T).

**Clery Act Crimes that Must be Reported by the CSA and Included in the Annual Security Report**

CSAs are responsible for reporting allegations of Clery Act crimes that are reported to them in their capacity as CSAs. CSAs are required to report such crimes to Mills College Public Safety (510-430-5555), Middlebury College Public Safety (802-443-5133), or Middlebury’s Title IX Coordinator/Compliance Officer (802-443-3289) so that the crime report can be included in the annual crime statistics, and in order to make a timely warning determination (see Timely Warning, below). **We encourage CSAs to use the online Campus Security Crime Report Form, which will be electronically transmitted to the director of Public Safety and the Title IX Coordinator.** In case of an emergency please dial 911 or call Public Safety at 802.443.5911.
Crimes that fall within the scope of the Clery Act include the following:

- Murder and non-negligent manslaughter
- Manslaughter by negligence
- Sexual assault/sex offenses (rape, fondling, incest, and statutory rape)
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- Liquor law violation
- Drug law violation
- Weapon law violation
- Hate crimes: any of the serious crimes above (except manslaughter by negligence) and larceny-theft, destruction/damage/vandalism of property, intimidation (threats of injury or violence), or simple assault, if there is evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim on the basis of race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, or disability
- Domestic violence
- Dating violence
- Stalking

Definitions of these crimes can be found in the 2016 edition Handbook for Campus Safety and Security Reporting or in this Annual Security Report’s crime statistics section.

CSAs must also report arrests and referrals for campus disciplinary action for liquor law violations, drug law violations, and weapons law violations (e.g., possession, carrying, etc.).

**Timely Warning**

Timely warnings are used to alert the campus community to certain crimes considered by the institution to represent a threat to students, employees and other community members. Timely warnings are issued in a manner that will aid in the prevention of similar crimes and enable individuals to protect themselves. The Mills College AVP of Operations, Director of Public Safety, or appointed delegate, will issue timely warnings regarding reported crimes that are reported to the department by CSAs, local law enforcement, or others, and that are considered to represent an ongoing or continuing threat to students, employees and/or other members of the Mills community. Any member of the Middlebury at Mills community who knows of a crime or reported crime should report that information as soon as possible to Mills College Public Safety so that, if warranted, a timely warning can be issued.

Criminal incidents that might prompt a timely warning include the Clery Act crimes: aggravated assault, arson, burglary, manslaughter by negligence, motor vehicle theft, murder/non-negligent manslaughter, robbery, rape, fondling, incest, statutory rape, domestic violence, dating violence, stalking, and hate crimes, as defined in the Crime Statistics section. Other criminal incidents may prompt a timely warning depending on the circumstances.
Whether to issue a timely warning will be determined on a case-by-case basis in light of all the facts surrounding the reported crime. The determination will be made by the Mills College AVP of Operations, Director of Public Safety, or appointed delegate, and may include others within the Middlebury at Mills administration, as appropriate to the circumstances, including Middlebury’s Director of Public Safety, Interim Vice President of Academic Affairs & Dean of the Language Schools, Vice President for Human Resources and Chief Risk Officer, Interim Executive Vice President & Provost, and the Title IX Coordinator/Compliance Officer, or their designees, as applicable.

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

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

The warning will include information that would promote safety and aid in the prevention of similar crimes. The names and other identifying information of victims will be withheld as confidential.

The warning will be issued by the Mills Department of Public Safety via RAVE, cell phone, text, emails and explained at Language Schools meals or meetings as appropriate to the circumstances. Depending on the circumstances of the crime or threat, the Mills Public Safety department may post the notices in the residence hall(s) or academic building(s). The warning will also be issued via an emergency alert notification system (via phone and text if the student or employee inputs their cell phone information into Middlebury’s Banner system in accordance with Middlebury’s instructions).

Middlebury at Mills College may also issue warnings to the campus community when other situations pose safety concerns (see Emergency Response and Evacuation section, below), or otherwise as deemed appropriate.

In its annual letter to local law enforcement agencies, Middlebury requests that local law enforcement inform the institution on an immediate basis of crimes that may require timely warnings.

**Public Safety Alert Notifications**

To help prevent crime, the Mills Department of Public Safety issues Safety Alerts to notify community members of criminal activity in and around the Mills community. Members of the community who know of a crime or other serious incident are encouraged to immediately report the occurrence to Public Safety so that an alert can be issued, if warranted. Crime reporting resources may be found in the Report It section of the [Public Safety & Transportation](#).

**Daily Crime and Fire Logs**

Mills College Public Safety maintains a daily crime log and fire log that records, by date of report, all crimes and other serious incidents reported to have occurred on the Mills College campus, in non-campus buildings or properties within Public Safety’s patrol jurisdiction. The fire log records, among other things, by date, location and cause reported, any fire that occurs in an on-campus student housing facility. The daily [Crime Log & Fire Reports](#) are available for public inspection review and during business hours at the Public Safety Administrative Office at CPM 113, Mills College, Oakland, CA.
The Daily Crime Log will contain any reports from a Campus Security Authority and local law enforcement. Public Safety publishes the crime log entry, an addition to the entry, or a change in the disposition of the complaint within 2 business days of receipt of the crime report. Crime Log reports include the nature of the crime, the date and time the crime occurred, the date the crime was reported to Public Safety, the general location of the crime, and disposition of the complaint, if this information is known at the time of production. Update(s) to the disposition of a crime log entry are not required if the disposition changes 60 days after entry was made in the log.

In accordance with the Clery Act, Mills College may withhold information from the crime log if such disclosure is prohibited by law or would jeopardize the confidentiality of the victim. In addition, Mills College may temporarily withhold information if there is clear and convincing evidence that the release of information would jeopardize an ongoing investigation; jeopardize the safety of an individual; cause a suspect to flee or evade detection; or result in the destruction of evidence.

**Emergency Phones — Emergency Blue Light Call Boxes**

The Mills College campus is equipped with six (6) Emergency Call Boxes. These units, identified by the blue light on the top and reflective markings, are strategically placed throughout the campus. Please do not hesitate to use the call box for emergency assistance: vehicle accident, medical assistance, crime in progress, safety hazard, etc.

The call box is activated by pressing the emergency button on the front which will connect you immediately to the Mills College Department of Public Safety security gatehouse and field officers. Your location is automatically given by the call box.

Maps designating the locations of the emergency call boxes are posted throughout the campus. You may also obtain a printed copy at the Mills Department of Public Safety (DPS) office at CPM 113 or refer to the [Emergency Map](#) link.

Emergency call boxes are in place for notifying the Department of Public Safety of emergencies. Intentional tampering, vandalism or misuse of call boxes is a criminal offense.

**Emergency Call Box Locations**

- Richard’s Parking Lot
- Post Road Parking Lot (below Aurelia Reinhardt Henry/AHR Hall)
- CPM Parking Lot (Seminary side)
- Orchard Meadow Parking Lot (rear)
- Prospect Hill Parking Lot
- Seminary Pedestrian Gate

Call boxes operate 24 hours a day. Public Safety may also be reached at Richard’s Gatehouse by dialing ext. 5555 from any campus phone. Pay phone and cell phone users should call 510.430.5555.
Campus Automated External Defibrillators (AED) Locations

Phillips Heartstart (Model 5066A) unless otherwise specified

- One (1) Littlefield Concert Hall (Music Bldg) | Wallmount unit, Main Lobby
- Two (2) DPS Patrol Vehicles | Mobile units, one per Department auto
- Two (2) Mills College Childrens School, Main Office and Rm 111*
- One (1) Haas Pavilion, Lobby across from Fitness Center (Wallmount Cabinet; Alarmed) Heartsine Samaritan 300P - Adult Chest Pad/Battery Connection
- One (1) Trefethen Aquatic Center, TAC Rm 101*
- One (1) Vera Whole Health Clinic, Hallway beyond Reception Desk Zoll AED Plus

*Units not controlled by DPS.

Emergency Response

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

The Mills College Department of Public Safety and/or other officials, when appropriate, will respond to incidents, attempt to mitigate them, and assess if they pose an immediate threat to the health or safety of the campus community or to any segment of the campus. Public Safety will also summon the necessary resources, including the police, fire department, emergency medical services, and other Mills College staff members as necessary. Public Safety will assist with providing access to gated roads and locked buildings. The department will also investigate and document any situations that might cause significant emergencies or dangerous situations.

Emergency Notification Procedures

The following information outlines procedural and notification practices to be implemented in the event of emergency or confirmed threat to campus safety. Designated Campus Security Authorities (CSA), to include Public Safety, Operations Administrators and Building Safety Coordinators (BSC), shall immediately alert, and direct affected occupants in the execution of response procedures. Response and evacuation actions may be authorized by any of these agents, or upon activation of campus alarm systems and/or instruction of local law enforcement, first responder or disaster response officials (Oakland Fire Department, Emergency Medical Services, FEMA).

When appropriate, incident details and updates as ‘All Clear’announcements, dispatch of resources and emergency personnel or activation of campus Emergency Operations Center (EOC), will be promptly disseminated via the RAVE Emergency Notification Systems (ENS).

To ensure the safe and effective movement of occupants, the Department of Public Safety hosts annual emergency drills and system tests in accordance with standard practice and established threat indexes.
For campus threat assessment information see Mills College 2016-17 Emergency Plan, in draft form at the Department of Public Safety in CPM 11.

In the event of a confirmed emergency or dangerous situation occurring on or approaching campus, the Mills Public Safety director and/or Associate Vice President of Operations or their designees, in consultation with other Mills and/or Middlebury officials, if appropriate under the circumstances (e.g., Interim Executive Vice President & Provost, Vice President for Academic Affairs & Dean of the Language Schools, Middlebury Operations Manager at Mills and/or Middlebury Program Coordinator at Mills) will confirm the emergency or dangerous situation, identify the area or appropriate segment or segments of the campus community potentially impacted by the emergency, and, without delay, use the emergency notification system to alert the affected area or campus population. “Confirmation” of the emergency or dangerous situation means that the official or officials identified above have verified that a legitimate emergency or dangerous situation exists. The process for confirming an emergency and determining the appropriate information for the emergency notification will include direct observation of conditions or incidents, inquiry into the incidents being handled by the police or other authorities in the area, web or news alerts, or reports directly from law enforcement, emergency management agencies, the state of California, the National Weather Service, or other authorities.

The nature of the incident will determine which of the following methods will be employed:

- Emergency Notification System
- Middlebury and/or Mills College website(s)
- Email to students, faculty and staff

The notification will usually be sent to all students, faculty, and staff (or to an appropriate segment of the community if the event is limited to a defined part of campus) using the emergency notification system and/or email. The entire campus community will be notified when there is at least the potential that a very large segment of the community will be affected by a situation or event, or when there is a threat to the operation of the campus as a whole. There will be a continuing assessment of the situation to determine which segments of the campus community should be notified.

Public Safety will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system unless issuing the notification will, in the professional judgment of local law enforcement or other emergency response authorities or federal or state agencies, compromise efforts to assist victims, or to contain, respond to, or otherwise mitigate the emergency.

The Public Safety director and/or other officials identified above, as appropriate, will determine how much information is appropriate to disseminate at different points in time. Typically, the notification will include the incident time, location, type, and recommended actions for safety. The notice will contain safety information for the particular segment of the population taking into account such factors as, for example, whether some people are residents and others are commuting or traveling to the campus.

Individuals authorized to initiate the emergency notification system include the director of Public Safety, Associate Vice President of Operations, Vice President of Operations, Vice President for Communications and External Relations or their designees.
**Emergency Notification**

Mills and Middlebury College have emergency broadcast notification systems that communicate information via cell phones and email accounts. You will only receive this information if you have provided your contact information. These cell phone numbers will not appear in print or online directories. It is in your best interest to provide your cell phone number.

Middlebury at Mills/Mills College will follow a process like that described above to confirm that there is a significant emergency or dangerous situation, determine the appropriate segment of the campus community to receive a notification, determine the content of the notification and initiate the applicable notification system. The Mills Public Safety Department is responsible for sending these notifications. The RAVE emergency broadcast systems at Mills College will reach all users via text-enabled or voice-enabled devices: phones, mobile phones, wireless devices, SMS, and email accounts. Mills College can utilize Alertus to disseminate emergency notification to desktop computers on their network. Alertus messages are delivered via RAVE and provide real-time emergency information to campus occupants, with lesser partial screen and ticker communications available for non-emergency warnings as severe weather, or fallen debris. Alertus Desktop Notifications may be used jointly, or independently of separate systems as deemed appropriate by select Campus Security Authorities and Public Safety Officials. On-screen alerts are currently transmitted in English only.

**How Do I Provide My Cell Phone?**

Log on to BannerWeb (go to [http://go.middlebury.edu/bw](http://go.middlebury.edu/bw) and enter your User ID and PIN number) and select the Personal Information tab. You’ll find the option **Update Cell Phone**. Provide your number there. If you need to update this number later, you can enter the new number.

Emergency information will be disseminated to the larger community by contacting 911.

Emergency response and evacuation procedures will be tested twice during the Middlebury at Mills summer language program. The test includes an evacuation drill as well as a test of the alert notification system. Emergency response and evacuation procedures will be publicized by the Mills Public Safety Department and documentation will be created, for each test, that will include a description of the exercise, the date, time and whether it was announced or unannounced.

**Threat Assessment and Management Team (TAM)**

The Threat Assessment and Management team assesses risks and formulates responses in situations where an individual’s behaviors or statements could indicate a threat to the health or safety of others. TAM seeks to mitigate potential risks before they result in harm. TAM meets periodically to discuss cases and implement action plans and follow-up strategies. Middlebury employees trained in behavioral-threat assessment and management comprise the team.

If you believe someone has committed, or may commit, a violent act; see someone engaging in behavior that could lead to potential violence; or see some other threat to the health or safety of the Middlebury community call Mills Public Safety at 510.430.5555 or Middlebury College Public Safety at 802.443.5911. You can also report incidents to your program director, or to anyone on the TAM team. Team members are listed on the Team’s website at: [go/threat assessment](http://go.threatassessment).

**In case of an immediate emergency, call 911**
General Emergency and Evacuation Procedures

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

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

If you are involved in a situation where someone has entered the area, the following is a list of actions that are recommended. These kinds of incidents are unpredictable. The guidelines provided are based on past experiences. Other actions may be necessary. If the individual poses an immediate threat to you, you may need to act using your best judgment.

Run, Hide, Fight*

If you can safely leave the area:

• Exit the building immediately ("Run"). Notify anyone you may encounter to exit the building also.

• Leave the campus if you can safely do so. Attempt to let a supervisor or fellow worker know that you are leaving so that everyone can be accounted for.

• Call 911 and the Mills Department of Public Safety at 510.430.5555.

• Give the dispatcher the following information:
  1. Your name
  2. Location of the incident (be as specific as possible)
  3. Number of armed people involved (if known)
  4. Identification or description of armed persons
  5. Number of persons who may be at risk
  6. Your contact information and location

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

• Go to the nearest room or office ("Hide").
• Close and lock the door.
• Cover the door windows.
• Keep quiet and act as if no one is in the room.
• DO NOT answer the door.
• Be aware that a fire alarm might have been pulled by an intruder.
• Identify/obtain an object in the room that can be used to incapacitate the armed person if she/he enters the room.
• If possible, call (or text only if you cannot speak safety) 911 and call Mills Public Safety at 510.430.5555.
• Give the dispatcher the following information:
  1. Your name
  2. Location of the incident (be as specific as possible)
  3. Number of armed people (if known)
  4. Identification or description of armed people
  5. Number of persons who may be at risk
  6. Your contact information and location
• Wait for local police or security to assist you out of the building.

If an armed intruder enters the room and you are in immediate danger:
• Commit mentally to incapacitating the intruder ("Fight")
• Strike the intruder with an object and continue to strike until the intruder is incapacitated.
• Yell as you fight.
• Call 911 when possible.

*Run, Hide, Fight: Surviving an Active Shooter Event*, is a Department of Homeland Security Grant Funded Project of the Regional Catastrophic Preparedness Initiative (October 2012), produced by the City of Houston Mayor’s Office of Public Safety and Homeland Security. Middlebury College uses it with permission for training purposes.

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

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

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

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

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

Develop a personal emergency plan. Doing so will increase your personal safety if there’s an earthquake, provide necessary resources and training for handling an earthquake’s aftermath, and help put family and friends at ease. Keep on hand a flashlight, too, in case of power outages.
After an earthquake, local telephone lines and cellular service may have reduced capacity. Don’t make calls immediately after an emergency unless you’re in danger. That way, lines can remain available for emergency services.

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

**Evacuations**

The procedures outlined in this section are designed for the safety of every Middlebury at Mills community member in the event of one or more campus buildings evacuations. Take the time now to learn primary and secondary exit routes from your classroom, residential hall, workspace and other campus facilities.

**When to Evacuate**

To prevent confusion, do not evacuate a campus building unless you hear a fire alarm sounding continuously and/or you have been directed to evacuate by a Public Safety Officer, and/or program director.

If there is an obvious and present danger, such as a fire, evacuate on your own authority alerting others in the building as needed.

- When evacuating under your own authority, alert others in your building and engage the nearest alarm pull station as you exit.
- Head to your designated Emergency Assembly Area, and instruct others not to enter the building
- Immediately dial 9-1-1 and inform Public Safety (x5555) of your emergency.

Remember that during certain emergencies, such as earthquakes, it is generally safer to remain inside the building unless otherwise instructed.

**Fire Evacuation**

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

- If you smell smoke or detect a fire, activate the nearest alarm, if possible, and call 911 from a safe location.
- Evacuate as soon as you hear the alarm.
- Before opening any door, use the back of your hand to test its temperature. Also check the doorknob’s temperature. If either is hot, leave the door closed, stuff towels or clothes in the cracks, and open a window. Look for another exit.
- If the door isn’t hot, open it slowly and be prepared to close it quickly if necessary.
- In a smoke-filled area, keep low to the floor to avoid inhaling smoke.
- If you see or smell smoke in a hall or stairway, use another exit.
- Close doors as you leave.
- Exit the building cautiously. Carry a towel or blanket to protect yourself from flames or smoke.
• If the exit is blocked, return to your room; close the door, open a window and call for help.
• If there’s a fire, don’t use any elevators.
• Report to your emergency assembly area. Report anyone who might be missing.

Evacuation Procedures
When the evacuation “signal” is given leave the building immediately, following the primary exit route. If this route is unsafe, use your secondary exit route.

• Do not waste time collecting personal belongings before exiting.
• Avoid smoke inhalation by crawling on hands and knees.
• Use stairs to evacuate. Elevators are designed to ground in the event of fire and may pose a trap hazard to riders.
• Treat every alarm as an emergency; do not contact Public Safety to confirm fire.
• Help people around you to evacuate: Knock on doors, check bathrooms and alert others as you leave.
• Assist anyone with disabilities in exiting the building.
• Once outside, clear the exit way immediately. Keep all streets, fire lanes, fire hydrants and walkways clear for emergency crews and vehicles.
• Remain alert for further instructions. Avoid nonessential use of headphones or electronics, in case of prolonged outages, limited resources and facilities.

IMPORTANT: In some campus buildings the fire alarm is local and only rings in that building. In any emergency, it is very important to contact the Police/Fire/Ambulance at 911 and the department of Public Safety at ext. 5555.

Emergency Assembly Areas (EAA) on Mills campus
Several locations have been designated Emergency Assembly Areas (EAA) on the Mills campus. Take time to locate the primary EAA for your office or residence on the list below. If the primary EAA for your building is unsafe, Public Safety Officers or Building Safety Coordinators will inform you of the alternate emergency assembly area.

<table>
<thead>
<tr>
<th>BUILDING</th>
<th>EMERGENCY ASSEMBLY AREA</th>
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</thead>
<tbody>
<tr>
<td>Julia Morgan School</td>
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<tr>
<td>Aquatic Center</td>
<td>Soccer Field</td>
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<tr>
<td>Art Center</td>
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<td>The Oval</td>
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<tr>
<td>Chapel</td>
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<tr>
<td>Children’s School</td>
<td>Education Center</td>
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<td>Basketball Court</td>
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<tr>
<td>CPM</td>
<td>The Oval</td>
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<tr>
<td>Cowell</td>
<td>President’s Meadow</td>
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<td>Corporation Yard</td>
<td>Corporation Yard Parking Lot</td>
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<td>BUILDING</td>
<td>EMERGENCY ASSEMBLY AREA</td>
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<td>Education Complex</td>
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<tr>
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<td>GSB Front Lawn</td>
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<tr>
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<td>Natural Science Building</td>
<td>Holmgren Meadow</td>
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<td>Lisser Hall</td>
<td>Holmgren Meadow</td>
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<td>Mills Hall</td>
<td>The Oval</td>
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<td>Music Building</td>
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<td>Vera Long</td>
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<td>Olin Library</td>
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<td>RESIDENCE HALLS</td>
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<td>Art Building Road (Art Museum turn-about)</td>
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<td>Holmgren Meadow</td>
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<tr>
<td>Sage Hall</td>
<td>The Oval</td>
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</tbody>
</table>
After Evacuation

Move to the Emergency Assembly Area (EAA) designated for the building you are in at the time of the emergency. In some emergency situations, these areas may not be safe. Do not return to an evacuated building until “all clear” instructions are given by college personnel and/or Public Safety.

If the emergency is campus wide (a multi-structure fire, major earthquake, chemical spill, etc.) immediately proceed to the nearest EAA. Once in your EAA, further instructions will be given by college personnel and/or Public Safety.

In addition to local EAA check-in, it is critical to check in at the EAA of your residence hall or building so that others do not worry needlessly or spend valuable time searching for you. Once in your EAA, further instructions will be given by college personnel and/or Public Safety.

Stay on campus until you have been accounted for and have been cleared to leave by designated authorities. In major emergencies it is critical to note that streets and roadways may be damaged or blocked by debris, making travel dangerous or impossible. In these situations, it may be necessary to stay on campus for several hours or even days.

Emergency Stays on Campus

If an earthquake, flood or other emergency forces a large number of people to shelter in place for an extended period, Mills College has procedures and provisions to house and feed the campus community. Information regarding travel safety will be passed onto community members as it becomes available.

Campus-wide Evacuations

In some emergency situations, it may be necessary to evacuate the entire Mills population to an off campus location. Notification of such an evacuation will be given by Public Safety Officers or program directors who inform you of where to evacuate to and designated route(s) to follow.

Building Evacuation for Students with Disabilities

Students with disabilities should discuss their evacuation needs with Middlebury’s Americans with Disabilities Act (ADA) Coordinator and submit the necessary documentation and information required by Middlebury’s ADA policy. Student Accessibility Services will work with the Mills Department of Public Safety and other departments to strategize and develop an emergency evacuation plan for eligible students with disabilities. The Mills Department of Public Safety and other Middlebury at Mills staff are available to confer with all students regarding their responsibility to get themselves safely out of a building in case of an emergency.

Student Accessibility Services Contact Information

802-443-5936 (phone)
802-443-2169 (phone)
802-443-7437 (TTY)
802-443-2440 (fax)
Evacuations and Emergency Assembly Areas

Information regarding evacuations and Emergency Assembly Areas (EAA) may also be found on the Safety and Transportation webpage.

The Mills College Emergency Map is also available at www.mills.edu/student_services/safety_and_transportation/MillsCollegeEmergencyMap.pdf.

Drills

Emergency fire and evacuation drills are held campus wide. All drills have incorporated the activation of Mills College Emergency Notification.

Campus drills are coordinated internally by Mills and Middlebury. Whether announced or unannounced, drills are assigned specified dates, times, locations/buildings and response instructions for the training and evaluation of safety procedures. Execution of response and evacuation procedures are supervised by Mills Public Safety staff.

Mills College publicizes drill scenario, emergency response, evacuation procedures and Emergency information in advance of each campus exercise. Drill schedules may vary with one (1) residential fire drills each summer.

Campus Security and Access

Mills College maintains a strong commitment to campus safety. Public Safety personnel share the responsibility for surveying campus grounds to ensure that lighting and vegetation meet safety standards. Mills community members are encouraged to report any unsafe building or property conditions, such as burned out lightbulbs, unsafe pathways or overgrown shrubbery. Information regarding this can be reported to Public Safety or your program director. The Facilities Department routinely inspects the interior and exterior areas to ensure unsafe conditions are noted and remedied during their normal work assignments. Recommendations for lighting or other interior/exterior safety improvements are reviewed weekly at the department meetings.

Closed Circuit Television (CCTV) surveillance aides in the 24-hour watch of campus common areas and high traffic locations. Expansion of the campus surveillance system, supervised by Mills College CCTV Committee, permits Department staff to review and extract footage in support of investigations as needed.

Keys and ID Cards with Electronic Access

Either the Arrival Center or the Housing Management and Dining Services Office (HMDS) in Sage Hall, Room 138 will issue residential hall room keys and ID cards for electronic access to buildings. Keys must be returned at the end of the program or the resident will be charged a fee. ID cards do not need to be returned.

Keys and keycards issued to students, faculty or staff members are their responsibility and must not be loaned or copied. Losing, loaning, or copying keys/keycards jeopardize the security of keyed locations and others in the building. Duplicating or loaning keys/keycards, or changing locks without proper authorization, will result in a lock change at the user’s expense and potential disciplinary action (for students). All lost or stolen keys and keycards must be immediately reported to the Housing Management and Dining Services (HMDS) staff and the Department of Public Safety for appropriate security action. Students who lose or fail to return their keys or keycards during the check-out process or
any other official separation from Mills (graduation, withdrawal, leave of absence, etc.) will be charged the cost to replace them and/or change the lock(s). The fees associated with replacement are as follows:

- Mills ID: $25.00
- Temporary Key Card (non-picture): $25.00
- Lost Key: $25-$100
- Lock Change per Key: $100.00

**Building Access**

Mills College has installed electronic card readers to exterior doors of the residence halls. Authorization for this access will be the same as for traditional keys. Your College ID card will be programmed for access to the buildings after you receive your authorization as described above. The HMDS office in Sage Hall will program your card for this access.

The card system secures the majority of Middlebury at Mills residence halls and computing facilities. Students, faculty, and staff will need to carry their access identification card with them at all times. Residence halls are not open to the public, but the Middlebury at Mills community may access them. Students, faculty and staff are issued keys to their rooms and should keep their doors and windows locked when going to sleep or when leaving the room.

All students are issued an access identification card that allows them to gain access to buildings that have been designated as part of the Language Schools program, including dining areas and laundry facilities. The Enhanced Access System (EAS) is monitored 24 hours a day and 7 days a week by the Mills Department of Public Safety (DPS). The system will display alarms when a door is propped open, the components are tampered with, forced entry occurs, and if unauthorized people attempt to gain access with an invalid access card. When an alarm is displayed at Public Safety, the telecommunicator will acknowledge the alarm and dispatch an officer to investigate. Public Safety officers patrol campus regularly. Students, faculty, and staff should report all unauthorized persons and suspicious activities to Mills Public Safety.

**Seminary Pedestrian Gate Access**

For safety and security reasons, the loaning or unauthorized transfer of pedestrian back gate keys to any person not officially affiliated with Mills College/Middlebury at Mills, is strictly prohibited. Individuals should report unauthorized persons using the Seminary pedestrian gate, and refrain from granting access or use of issued keys. Use of the Seminary gate is restricted to Mills and Middlebury at Mills students, staff and faculty.

**Safe Rides**

Mills Public Safety can provide escort service on campus after dark. Call 510.430.5555 (x5555 from campus phones) to request an officer to assist you.

**Security Awareness Programs**

During orientation, students are presented with services offered by the Department of Public Safety. Materials are shared with students outlining area resources, phone numbers and safety tips. Similar information is provided to all Middlebury at Mills faculty and staff.
Public Safety conducts orientation training that covers the following topics:

- An overview of the DPS department and how to report incidents
- Personal preparedness and accountability
- Emergency notification and opt-in
- Emergencies – who/how to contact
- RUN – Hide – fight and situational awareness
- Department Disaster / Emergency training (Fire safety tips & earthquake tips)

Recurring safety themes include:

- Personal preparedness and accountability
- Department Disaster/Emergency Training
- Emergency Notification
- Situational Awareness
- Incident reporting methods

Periodically, the Department of Public Safety prepares short memorandums on anticipated safety concerns and seasonal precautions for dissemination to the campus community. When time is of the essence, information is released to the Mills community through the RAVE Emergency Notification System or sent via campus email.

**Crime Statistics**

In an effort to provide members of the campus community with information about campus crime and crime-related problems, the Middlebury College Department of Public Safety and other Middlebury at Mills officials, in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* and the *Violence Against Women Reauthorization Act of 2013*, collect, publish and distribute the crime statistics in its Annual Security Report (see below). Statistical information is collected from Middlebury Campus Security Authorities, Mills College Public Safety and local law enforcement.

Middlebury does not officially recognize any student organizations that have non-campus housing or other non-campus locations, so it does not have a policy concerning the monitoring and recording by local police agencies of criminal activity by students at any such locations.

**Definitions of Clery Geography Terms**

**On campus:** 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 the area as identified above, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.
On-campus student housing facility: 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 takes up the campus is considered an on-campus student housing facility. This definition includes the following types of housing:

- Undergraduate, graduate and married student housing
- Single family houses that are used for student housing
- Summer school(s) student housing
- Buildings that are used for student housing but also have faculty, staff or other individuals living there
- Buildings that are owned by a third party that has a written agreement with the institution to provide student housing
- Housing for officially and not officially recognized student groups that are owned or controlled by the institution or are located on property that the institution owns or controls
- Parking facilities and dining halls that are physically attached to and accessed directly from student housing facilities.

Non-campus building or property: 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 used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public property: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the Middlebury at Mills campus. There is no public property requirement for non-campus buildings and properties.

“Controlled by”: This means that the institution (or an institution-associated entity) directly or indirectly rents, leases, or has some other type of written agreement (including an informal one, such as a letter or an email) for use of a building or property, or a portion of a building or property.

“Reasonably contiguous”: This means a building or property the institution owns or controls that is in a location that is considered by students and employees to be, and treated as, part of the campus. This determination is made on a case-by-case basis by taking into consideration the circumstances of the campus and the location.

There are four general categories of crime statistics: criminal offenses, hate crimes, Violence Against Women Act (VAWA) offenses, and arrests and referrals for disciplinary action.

Definitions of Criminal Offenses

Criminal homicide/murder and non-negligent manslaughter: the willful (non-negligent) killing of one human being by another.

Criminal Homicide/Manslaughter by Negligence: The killing of another person through gross negligence.
**Sexual Assault (Sex Offenses)**

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. This includes attempted sexual assaults. Sexual assault includes rape, fondling, incest, and statutory rape as defined below.

- **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.

- **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 a degree 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 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. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used that could cause serious personal injury is used.

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

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

- **Motor vehicle theft:** The theft or attempted theft of a motor vehicle (e.g., automobile, truck, sport utility vehicle, bus, motorcycle, motor scooters, mopeds, all-terrain vehicles, self-propelled motor homes, snowmobiles, golf carts, motorized wheelchairs, etc.). This includes all cases where motor vehicles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding.

- **Unfounded crimes:** For Clery Act purposes a crime can be determined to be unfounded only after a full investigation by sworn law enforcement personnel and after the sworn law enforcement officer makes a formal determination that the report is false and baseless.

**Crimes – Middlebury at Mills Campus**

Middlebury College contracts space and services at Mills College between June through mid August each summer for its Language School programs. The crime statistics for Mills College below are collected for the applicable June through August time frame for each year and area listed below for the time period that Middlebury controls the space pursuant to the contract referenced above.
<table>
<thead>
<tr>
<th>OFFENSE</th>
<th>YEAR</th>
<th>ON CAMPUS</th>
<th>ON-CAMPUS STUDENT HOUSING FACILITIES</th>
<th>NON-CAMPUS PROPERTY</th>
<th>PUBLIC PROPERTY</th>
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Unfounded Crimes - Middlebury Program at Mills Campus

2015: No unfounded crimes.
2016: No unfounded crimes.
2017: No unfounded crimes.

Definitions of Hate Crime Offenses

Hate Crimes: A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim.

For the purposes of this section, the categories of bias include the victim’s actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin and/or disability. All of the criminal offenses listed above (except for manslaughter by negligence) and the additional crimes of larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property, that manifests such evidence, will be recorded as a hate crime. Middlebury is required to list the category of bias to the extent possible. The definitions for each category of bias can be found in the Handbook for Campus Safety and Security Reporting 2016 Edition (pp. 3-25-3-27). See Table 9.

Timely response to these incidents is crucial. Failure to report allows the incidents to remain hidden and may even allow them to escalate. Middlebury takes all reports seriously and will thoroughly investigate every incident and work with local law enforcement agencies whenever necessary. Reports can be filed with the Department of Public Safety (Middlebury College), Public Safety (Mills College), Interim Vice President for Academic Affairs & Dean of Language Schools, Title IX Coordinator/Compliance Officer, human resources, a human relations officer, or a campus security authority.

Hate Crimes - Middlebury Program at Mills Campus

2015: There were no hate crimes.
2016: There were no hate crimes.
2017: There were no hate crimes.

Definitions of Violence Against Women Act (VAWA) Offenses

Sexual assault (rape, fondling, incest, and statutory rape) are VAWA offenses. For Clery Act reporting purposes these offenses are included in the Criminal Offenses definitions and statistical chart above.

Domestic violence: A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is 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 or family violence laws of the jurisdiction in which the crime of violence occurred.
**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 threat of such abuse; and dating violence does not include acts covered under the definition of domestic violence.

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

**Unfounded Crimes - Middlebury Program at Mills Campus**

<table>
<thead>
<tr>
<th>OFFENSE</th>
<th>YEAR</th>
<th>ON CAMPUS</th>
<th>ON-CAMPUS STUDENT HOUSING FACILITIES</th>
<th>NON-CAMPUS PROPERTY</th>
<th>PUBLIC PROPERTY</th>
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**Definitions: Weapon, Drug, and 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 laws and ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Classification also includes: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the above. This type of violation is not limited to “deadly” weapons; it also applies to weapons used in a deadly manner.

**Drug Abuse Violation:** The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment of devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws 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 – manufactured narcotics that can cause true addiction (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 or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages; transporting, furnishing, possessing of intoxicating liquor (i.e. under the age of 21); maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and 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 College policy (i.e. at an unregistered party).

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<tr>
<th>OFFENSE</th>
<th>YEAR</th>
<th>ON CAMPUS</th>
<th>ON-CAMPUS STUDENT HOUSING FACILITIES</th>
<th>NON-CAMPUS PROPERTY</th>
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Crime Prevention

Middlebury can offer the following suggestions about personal safety issues. These are of course only general observations; you must decide what is most prudent for keeping yourself and your property safe in particular situations.

Security Considerations in Campus Maintenance

Mills College maintains a strong commitment to campus safety. Public Safety personnel share the responsibility for surveying campus grounds to ensure that lighting and vegetation meet safety standards. Members of the campus community are encouraged to report any lighting, vegetation or facility concerns to Public Safety or directly to Campus Facilities via work order.

CCTV surveillance aides in the 24-hour watch of campus common areas and high traffic locations. Expansion of the campus surveillance system, supervised by Mills College CCTV Committee, permits Department staff to review and extract footage in support of investigations as needed.

Personal Safety

Mills College campus is located in Oakland, CA. The Oakland campus has a monitored entrance/exit to provide more security. In any community there can be crime.

Here is how you can do your part:

- Be aware of your vulnerability; follow the measures of self-protection and property protection outlined here.
- Be alert for suspicious or criminal activity and for conditions that may represent hazards to the community.
- Get involved by becoming more security conscious and by reporting all incidents of suspicious or criminal activity, no matter how insignificant they may appear, immediately to Public Safety or a Campus Security Authority.
- Remember that unreported crimes cannot be solved. This allows the perpetrators to commit additional, and possibly more serious, crimes.

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<tr>
<th>OFFENSE</th>
<th>YEAR</th>
<th>ON CAMPUS</th>
<th>ON-CAMPUS STUDENT HOUSING FACILITIES</th>
<th>NON-CAMPUS PROPERTY</th>
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Table 3. Arrest and Disciplinary Referrals Reporting (Continued)
**Walking or Running Safety**

- Avoid traveling alone at night. Instead, travel in pairs. Call Public Safety at 510.430.5555.
- Avoid dark, vacant, or deserted areas; use well-lit, regularly traveled pathways. Runners, walkers, or joggers should face traffic. If you’re out after dark, use extra precautions: stay in pairs, travel well-lit areas, and wear reflective clothing or tape.
- Dress sensibly. Don’t flaunt expensive jewelry or carry large amounts of cash.
- Always let someone know where you’re going and when you’ll return.
- Be alert and aware of your surroundings at all times. Walk purposefully and confidently. Keep moving.
- Don’t hitchhike or accept rides from casual acquaintances.
- When walking to your residence or vehicle, keep your keys in hand.
- When a private vehicle or taxi drops you off at your residence, ask the driver to wait until you get inside.
- If you’re threatened by an approaching vehicle, run in the opposite direction. The vehicle will have to turn around to follow you.
- If you think you’re being followed or feel threatened: increase your pace and move away from the threat; join any group of people nearby; cross the street, and, if necessary, keep crossing back and forth. If someone pursues you, run to a business, residence, or well-lit area. Call for help, scream, or raise a commotion. Enlist the aid of a passerby. Find a phone and dial 911 or pull a fire alarm. Do anything that will attract attention or summon assistance. If you’re walking alone and someone passes you, check to make sure that person is continuing to walk in the other direction.
- If you’re confronted by an assailant, yell and struggle. Keep your head and assess the situation.

**Residence Halls and Private Residences**

- Lock your room door and windows when you go to sleep or when you leave, even if only briefly; take your keys with you.
- Immediately report defective locks on your windows and doors to Public Safety.
- Don’t put your name and address on key rings. Don’t attach your keys to your ID card.
- Don’t keep your residence and your vehicle keys on the same ring.
- If you lose your residence keys, contact the Public Safety Office.
- Don’t study in poorly lit, secluded areas.
- Require visitors to identify themselves before you open your door. Request official identification from all repair or service personnel.
- Get to know your neighbors so you can help one another.
• If you discover someone has entered your room, DON’T GO IN. Go to a neighbor and call Public Safety or the local law enforcement authorities (for private residences). If you’re already inside, DON’T TOUCH ANYTHING. You may disturb evidence important to a police investigation.

• If you’re awakened by an intruder, don’t try to apprehend them. They may be armed or may easily arm themselves with something in your room. Attempt to get out of the room if it’s possible.

• If you see a suspicious person or vehicle, either on campus or in your neighborhood, IMMEDIATELY contact Public Safety or the local law enforcement authorities. Try to get the license plate number, state, and description of the vehicle, but don’t chase the car to do so.

• Don’t prop open doors to residence halls or other College buildings.

• Don't yell or attempt to detain peeping toms, who may panic and react unpredictably. If the offender runs away, and you can safely observe this person, watch to see if this person gets into a car, goes to another dorm, etc. Also observe the person’s physical bearing. Then immediately report the incident by calling 510.430.5555 or x5555 from any campus extension.

• Hang up on obscene, harassing, or annoying phone calls. Don’t respond to harassing text messages, nor try to find out who the caller is even if you think it’s a friend playing a joke. Keep the message or text and then report its contents to Public Safety. This will be useful to the Public Safety officer or the police, if there is a police report.

Use of Athletic Facilities

• Avoid using the athletic facilities alone, especially after dark or during off hours.

• Use the buddy system. Work out with a friend, and go to and from the gym together.

• Confine your running and jogging to the daylight hours and to well-traveled areas. If jogging on the roads, wear bright colored clothes.

• Avoid showering alone in the locker room. Or shower back at your residence.

• Avoid bringing cash, wallets, watches, or other valuables to the athletic facilities. Don’t leave valuables unattended or in coat rack areas.

• Keep your locker locked whenever unattended. This includes those times you leave to shower, visit the trainer, the equipment room, etc. Most thefts at the athletic facilities stem from unlocked lockers or property left unsecured in the locker-room area.

In the Locker Room

• If there’s someone with you in the locker room, and if you are comfortable doing so, ask them to wait for you, so you won’t be showering alone.

• Immediately report all incidents of voyeurism to Public Safety.

• If you encounter an intruder:
  — Call loudly for help. Your call for assistance should carry into the hallway.
— Keep out of the intruder's way, and don’t attempt to prevent the intruder from leaving.
— Try to exit the locker room quickly.
— Observe the intruder so you can later describe the person.
— Immediately notify Public Safety by using an emergency phone to dial \textbf{911}.

\textbf{Safety While Driving}

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

\textbf{Protection of Property}

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

- Avoid bringing large amounts of cash or valuables to campus or your residence.
- Keep valuables items out of sight. If you must keep cash or valuables in your room, don’t store them in obvious hiding places like desks or dressers.
- Never lend out the key to your room or residence.
- If you live in a dormitory, take your room key to the shower with you. Don’t leave it in your robe or clothing, where someone going through your pockets could find it.
- When leaving your vehicle at a service station or parking garage, leave only the ignition key.
• When leaving for vacation, store valuable electronic equipment out of sight, and during summer recess, don’t leave valuables in student storage areas. These areas aren’t secure and Middlebury isn’t responsible for property loss. Public Safety does have a secure storage area.

• Check with your family insurance agent to determine if your property is covered under your parents’ homeowner’s insurance. If not, consider purchasing your own insurance.

**Internet Safety**

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

What are the major types of Internet fraud?

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

**Filing Complaints About Internet Fraud**

You can file complaints about specific types of fraud. For commodities fraud, contact the Commodity Futures Trading Commission (CFTC). For securities fraud, contact the Security and Exchange Commission (SEC) Enforcement Division Complaint Center or your state securities regulators.

If you think you’ve been the victim of an Internet fraud scheme, you can also file a complaint online with the Internet Crime Complaint Center, a joint project of the FBI and the National White Collar Crime Center.

Further Information may be located at these government websites:

- U.S. Department of Justice
- Internet Crime Complaint Center
- Federal Deposit Insurance Corporation
- Securities and Exchange Commission
And at these nongovernmental websites:

- Better Business Bureau
- Fraud.org
- Internet Scambusters
- National Cyber Security Alliance

**Bicycle Security**
- Register your bike with Public Safety.

**Bicycling Safety**
- Bike riders are responsible for their own safety while at Mills College.
- California state law requires lights and reflectors at night. During darkness bicyclists must have the following equipment: Front lamp emitting a white light visible from a distance of 300 feet, a rear reflector visible from a distance of 500 feet, a white or yellow reflector on each pedal or on the bicyclist’s shoes or ankles visible from a distance of 200 feet. Bicycles must also have a brake which will enable the operator to make a one brake wheel stop on dry, level, clean pavement.
- Cyclists should obey all traffic laws and always use hand signals when turning.
- Pay attention to your surroundings: keep alert, don’t wear headphones, and warn pedestrians or fellow riders when you’re passing them. Also warn vehicle drivers if their driving places you in danger.
- Take extra care when passing parking lot exits or biking through a parking lot.
- Walk bicycles across crosswalks to avoid bicycle/vehicle collisions.

**Safe Rides**
Contact the Mills College Department of Public Safety (DPS): 510.430.5555.

**Notification Regarding Missing Students**
If there is reason to believe that a student may be missing, whether or not the student resides on campus, all possible efforts will be made to locate the student. If a student is missing from the Middlebury at Mills summer Language Schools program, immediately report this to Sasha Miyamoto, Program Coordinator (510.430.2285), Dan Fisher, Operations Manager (510.430.2284), your Language School director, or Mills College Department of Public Safety: 510 430.5555. In some circumstances—for example, a reported kidnapping or a missing child—the police will be notified immediately. If a student younger than 18 and not emancipated is missing, Middlebury at Mills will notify the student’s custodial parent(s) or guardians (in addition to notifying any additional contact person designated by the student) as soon as practical and no later than 24 hours from the time the student is determined to be missing.

An individual will be considered missing if a roommate, classmate, faculty member, family member, or other campus person has not seen the student in a reasonable amount of time. A reasonable amount of time may vary with the time of day and information available regarding the missing person’s daily schedule, habits, punctuality, and reliability. Individuals will also be considered missing immediately if the absence has occurred under circumstances that are suspicious or that cause safety concerns.
Ordinarily, an investigation will be initiated immediately after notification. If the student lives on campus, Middlebury at Mills officials may conduct a wellness check in the student’s room. Middlebury at Mills officials, with collaboration from Public Safety, as appropriate, will endeavor to determine the student’s whereabouts through all means possible on campus and will utilize the student’s family, friends, and law enforcement agencies, where necessary.

If the student is not located, a member of the Middlebury at Mills Language Schools staff or other appropriate Middlebury official will notify the emergency contact, if on file, within 24 hours of receiving the initial missing student report. If the missing student lives off-campus, family members or associates are encouraged to make an official missing person report to local police. In some circumstances—for example, a reported kidnapping or a missing child—the police will be notified immediately. If a student younger than 18 and not emancipated is missing, Middlebury at Mills will notify the student’s custodial parent(s) or guardians (in addition to notifying any additional contact person designated by the student) as soon as practical and no later than 24 hours from the time the student is determined to be missing. Middlebury at Mills and Public Safety will cooperate, aid, and assist the primary investigative agency in all ways prescribed by law.

Students attending Middlebury College may designate a confidential contact person in the event they go missing. This person can be anyone and does not need to be the same as the student’s emergency contact(s). Middlebury College has a form on BannerWeb that allows students to register this contact. BannerWeb maintains the contact person’s information in a confidential area, separate from the student’s emergency contact information. The information will be accessible only to authorized campus officials and may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation. If a student is missing, authorized campus officials and law enforcement officers will have access to this designated contact and will communicate with the person no later than 24 hours from the initial report.

Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, Middlebury will inform the local law enforcement agency that has jurisdiction in the area within 24 hours of the time the student is determined to be missing. The investigation of a missing student can be a long and arduous process. Students can avoid being the point of an investigation and having phone calls made to local police and family, by communicating plans with people on campus, such as friends, neighbors, faculty, or staff.

**Response to Sexual Violence, Dating Violence, Domestic Violence and Stalking**

The Middlebury Language Schools at Mills College in Oakland, California (hereinafter referred to as “Middlebury” or “Middlebury at Mills”) prohibit the crimes of dating violence, domestic violence, sexual assault, and stalking, as those terms are defined in the Clery Act, and as described in Middlebury’s Policy Against Sexual Misconduct, Domestic and Dating Violence and Misconduct, and Stalking (SMDVS) (see link below). Middlebury provides information to the extent applicable regarding the definitions of “dating violence,” “domestic violence,” “sexual assault,” and “stalking,” and the definition of “consent” in reference to sexual activity, in the applicable jurisdictions.

A description of Middlebury’s educational programs and campaigns to promote the awareness and prevention of dating violence, domestic violence, sexual assault and stalking, including safe and positive options for bystander intervention, and information about risk reduction, are described in Middlebury’s educational programs and below. Middlebury’s educational programs and its procedures also include information and statements that are required by Clery Act regulations, as described below.
Middlebury expects all community members to do their part to prevent and address violence as active bystanders. Middlebury is also committed to providing support and avenues of redress as appropriate to survivors affected by sexual and relationship violence.

Please see the full text of Middlebury’s Policy Against Sexual Misconduct, Domestic and Dating Violence and Misconduct, and Stalking.

**Educational Programs to Promote the Awareness and Prevention of Domestic Violence, Dating Violence, Sexual Assault, and Stalking**

**OVERVIEW**

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

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

More specifically, Middlebury’s educational programs include, for example, the following:

**MANDATORY EDUCATION FOR NEW STUDENTS**

Middlebury provides mandatory online training for its incoming language schools students, which is supplemented by written information that includes Middlebury’s policies, Title IX, the Title IX Coordinator, reporting and contact information, the investigation and adjudication process, and internal and external resources. The following online course is provided to all incoming students: Campus Clarity’s *Think About It: Graduate Students*. This course is specifically tailored to meet the needs of adult learners of all ages outside of the traditional first-year experience. Course content includes cultural attitudes, power and agency, language and trigger warnings, alcohol, sexual harassment, healthy communication and relationships, recognizing abusive relationships, stalking, sexual violence, barriers to mutual consent, risk factors, acquaintance assault, supporting survivors, safe interventions as bystanders, Middlebury’s policy and procedures for addressing sexual misconduct (including sexual assault), domestic violence, dating violence, and stalking. This content also includes a statement that Middlebury prohibits these behaviors as defined in its policy in accordance with the Clery Act, as amended in 2014; internal and external reporting, confidentiality, resources, interim measures and accommodations, information about the Title IX Coordinator, definitions of domestic violence, dating violence, sexual assault, stalking and consent (in reference to sexual activity) in the applicable jurisdiction; and the application of the preponderance of the evidence standard in its adjudication of these matters (as referenced in Middlebury’s SMDVS policy). Student feedback on course satisfaction, quiz results, and questions/concerns is reviewed annually to evaluate effectiveness and cultural appropriateness.

**PROGRAMS FOR FACULTY AND STAFF**

Middlebury at Mills provides online training for faculty and staff which is supplemented by live training, in language, for faculty. The online training is offered by LawRoom and is titled Intersections: Preventing Harassment and Sexual Violence. It includes such topics as Title IX; identifying who is at risk; prevalence, costs of sexual violence; understanding sexual assault; relationship violence; stalking and cyberstalking; criminal law and policy definitions; consensual sexual activity; being a bystander, barriers to intervention, and safe and positive options; roles and responsibilities of faculty and staff; reporting; confidentiality;
how to talk to survivors; a survivor’s reactions; interim measures; preserving evidence; institutional response; reporting vs. investigating; conduct proceedings, protection from retaliation, a culture of respect, Middlebury’s policy and procedures for addressing sexual misconduct (including sexual assault), domestic violence, dating violence, and stalking, which includes a statement that Middlebury prohibits these behaviors as defined in its policy in accordance with the Clery Act, as amended in 2014; and the application of the preponderance of the evidence standard in its adjudication of these matters (as referenced in Middlebury’s policy). Supervisors must take an extended version of this online training.

The supplemental live trainings are typically provided, in language, by the program directors and include information about Middlebury’s Policy Against Sexual Misconduct, Domestic Violence, Dating Violence and Stalking, the Title IX Coordinator, Human Relations Officers, Judicial Affairs Officers, other contact information, internal reporting information, external reporting to outside enforcement agencies, reporting obligations, rights and options for complainants (including living, educational and workplace accommodations and no contact orders/no trespass notices), Middlebury’s obligations when responding to a report of sexual violence, domestic or dating violence or stalking, confidentiality, on and off campus resources, and contact information.

Faculty, staff and students also receive written information (with links to policies, resources and information) regarding Middlebury’s Policy Against Sexual Misconduct, Domestic and Dating Violence and Misconduct, and Stalking, Alcohol and Other Drugs Policy, reporting and contact information, links to campus and local resources, and information about the Title IX Coordinator and Title IX designees.

How to Be an Active Bystander

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

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

Everyone must commit to engaging in moments of action, no matter how small. Every moment of action counts when we are working to prevent violence. Moments of action contribute to a culture of bystander intervention and, research shows, lead to fewer incidences of violence.

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

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

**Direct:** Directly talk to someone or intervene in a situation. You might ask a friend who’s been hard to reach if everything is OK. Or you might take an intoxicated friend back to their residence hall. Direct action means getting involved in a situation or following up with a student, coworker, or supervisor who you worry is in an unhealthy relationship.

**Delegate:** Get others involved. Delegating action when there’s danger, or when someone else can act, is often safest. You might call Mills College Public Safety (510.430.5555) or the police (911) for help, ask someone to assist you in finding a ride for a friend, or suggest to a party’s host that she ask someone to leave. You might express your concerns over a matter to a program director, faculty member, dean, or advisor.
**Distract:** Interrupt the precursors to violence so harmful situations can’t occur. You might spill a drink, sing loudly, or tell someone their car is getting towed. You might ask someone to accompany you somewhere so you can talk privately with the individual.

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

**Moments of Action for Student Bystanders**

- Send a mass email to your contact list with a simple message, "This issue is important to me and I believe in the goal of reducing violence."
- The next time you are walking to class with a friend, have one conversation and tell them that ending violence matters to you.
- Make bystander intervention or sexual violence on campus the topic of a paper or speech you have to do for a class.
- Bring a friend to an awareness event.
- Work to ensure organizations you are involved in collaborate with prevention efforts on campus.
- Find out how Art and Activism works to end violence (Google it!).
- If you suspect that a friend is in an abusive relationship, ask them, and provide information about available resources.
- If you see someone spike another person's drink with alcohol or drugs, stop them, and call 911, distract by spilling the drink, or get someone else to let the person know that their drink is unsafe to consume.
- If you choose to leave an event early, account for the people who were in your group.
- If you see someone at an event who has had too much to drink, ask them if they need to be walked home or assisted in any way.
- If you hear or observe yelling or fighting in your residence hall, apartment or elsewhere, talk with a program director, a professor, Public Safety or someone else who can help.
- If someone needs your help and you don't have the answer, contact your resources and find someone who does.

**Moments of Action for Faculty and Staff Bystanders**

- Change your email signature line to include a statement that echoes the principles that violence will not be tolerated at Middlebury and everyone is expected to do their part to prevent it.
- Add a line to your syllabus that expresses the prevention principles.
• Request a presentation from your local crisis center (e.g., Bay Area Women Against Rape) or other local agency that offers assistance to survivors of interpersonal violence.

• If you suspect that a student or co-worker is in an abusive relationship, ask them and provide information about available resources.

• If someone appears upset, ask if they are okay.

• Assign a paper, project, or reflection to your students about moments of action, community, and our prevention principles.

• If someone explains that women "say 'no' when they really mean 'yes'," interrupt and make an attempt to educate them.

• If you hear what sounds like yelling or fighting in your neighborhood, classroom, or office, talk with a neighbor, your manager, your students or someone else who can help.

• If someone needs your help and you don't have the answer, contact your resources and find someone who does.

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

• Take note of your surroundings including exits, and paths of egress.

• Stay with friends or groups of people to avoid isolated areas.

• Trust your instincts. If something or someone seems wrong or unsafe, get help and/or find the nearest exit.

• Make sure your cell phone is with you and charged, and that you have easy access to emergency numbers.

• Avoid putting headphones in both ears when walking or running and discontinue headphone use when biking.

• Make and keep to a plan with friends when attending events. Arrive together, check in with each other throughout the evening, and leave together. Have a code word with your friends or family to signal discomfort or that it’s time to leave.

• Don’t leave drinks unattended. If you do, get yourself a fresh drink.

• Don’t accept drinks from people you don’t know or trust.

• Watch out for your friends and ask your friends to watch out for you.
Procedures Victims Should Follow If Sexual Assault, Domestic Violence, Dating Violence or Stalking Has Occurred

The following contains information about reporting, obtaining support, care, resources, accommodations, and Middlebury and law enforcement procedures and options in situations where a student, faculty or staff member or covered third party (as defined by Middlebury’s policies) may have experienced sexual assault (including rape, fondling, incest, or statutory rape), domestic violence, dating violence or stalking as defined in the Clery Act and in Middlebury’s Policy Against Sexual Misconduct, Domestic and Dating Violence and Misconduct, and Stalking.

Immediate Safety and Support/Importance of Preserving Evidence

- **Go to a safe place**: your residence, a friend’s residence, Public Safety, or anywhere you’ll feel safe.

- **Call someone you trust**. No matter how late it is, you shouldn’t be alone.

- **If safety is an immediate concern call 911** or contact Mills College Public Safety at 510.430.5555 (if you are on campus). You have the option of reporting to the police at any time, and Middlebury will provide assistance if you wish to do so.

- **Please seek immediate medical care**. If you may be experiencing or have experienced sexual assault, domestic or dating violence, or stalking, you are encouraged to immediately seek any necessary medical care, and to seek help from appropriate Middlebury, law enforcement and/or medical personnel, even if you are not sure if you have physical injuries and/or you are uncertain about whether to ultimately pursue a complaint or criminal charges, or to seek a protective order. Even if you do not feel physical pain, you may have internal injuries that cannot immediately be seen or felt. Local emergency rooms can perform post-assault medical care and/or make appropriate referrals (contact information is listed below). Most hospitals have specialized examiners who complete exams for victims of sexual violence. These exams can help you receive appropriate medical assessment and treatment, and can preserve evidence for possible future action such as criminal prosecution or seeking a protection order. Collecting forensic evidence does not obligate you to file a complaint with Middlebury or make a report to the police that could lead to criminal prosecution, but preserves this information in the event you decide to do either of those things, or seek a protection order, at a later date. For more information see also “Steps to take after a sexual assault,” The State of California Women’s Right Handbook, Chapter 7 (type ag.ca.gov/publications/womansrights/htmltoc.php into your web browser) and the resources listed below.

**Bay Area Women Against Rape (BAWAR)**

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
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)
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
3542 18th Street, #7
San Francisco, CA 94110

San Francisco Domestic Violence Consortium
• Counseling Support. You can also contact a counselor or other confidential resource to help you sort through your immediate needs, provide emotional support, and help you to connect with other emergency resources. These confidential resources include:

Bay Area Women Against Rape (BAWAR) (510-845-7273)
San Francisco Women Against Rape (SFWAR) (415.647.7273)
Highland Hospital Counseling --Sexual Assault Response Team and Domestic Violence Program (510-437-4688)
Thomas Zurfluh, Psy.D, Licensed Counselor (415-789-8383)
National Domestic Violence Hotline (1-888-743-5754).

Employee and Family Assistance Program (EFAP)
(Confidential: Staff and Faculty) (1-800-828-6025)

Please note that contacting confidential resources in no way precludes you from choosing to file a complaint with Middlebury and/or with the police.

• Preserve evidence. It is important to preserve all possible evidence that may assist in proving that sexual assault, domestic violence, dating violence, stalking or related retaliation occurred or is occurring in case you decide at some point to file an internal complaint, make a criminal complaint or seek a protection order. This evidence may assist in proving whether the alleged criminal conduct (or a policy violation) occurred and/or it may be helpful in obtaining a protective order. Therefore, if at all possible, refrain from changing clothes, showering or washing or otherwise changing your physical state after an incident, until after consulting with medical personnel about how to best preserve evidence. It may be difficult to keep from washing yourself, but if you do you may destroy evidence that could be useful should you decide to report the experience. Also, do not eat, drink, smoke, brush your teeth, go to the bathroom, or brush your hair or taking other actions that may compromise evidence.
For information about rape kits and forensic exams you can call the National Sexual Assault Hotline at 800-656-HOPE (4673). You can also contact the following local resources for assistance:

**Bay Area Women Against Rape (BAWAR)** (510-845-7273)

**Highland Sexual Assault Center** (510-534-9290)

**San Francisco Women Against Rape (SFWAR)** (415.647.7273)

Also, you should preserve any other available physical evidence, documents or electronic evidence (such as, for example, text messages, phone records, emails, photographs, social media posts, voice messages, etc.) that may have some bearing on the incident(s). You may also want to consider writing down all of the details you remember about your experience(s), as well as the names of individuals you believe may possess relevant information and/or evidence.

**Making a Report On Campus**

Any Middlebury student, faculty member, staff member or covered third party who has reasonable cause to believe that sexual assault, domestic or dating violence, stalking and/or related retaliation has occurred or is occurring should report this information to the immediate attention of any of the following individuals: a Human Relations Officer; Judicial Affairs Officer; the Title IX Coordinator; a member of the Language Schools administrative staff; and/or to Public Safety. Reports may be made verbally (in person, by phone or videoconferencing) or in writing (via mail or email). Contact information is listed below.

Public Safety or other appropriate personnel for Middlebury at Mills will coordinate its response to the report with other officials, as appropriate (including a Human Relations Officer, Judicial Affairs Officer, the Title IX Coordinator, and responsible Threat Assessment and Management Team and, if necessary, law enforcement, to intervene at the earliest practical point to stop the behavior and coordinate services to the complainant. A coordinated response will include consideration of the complainant’s request for confidentiality and may also include the implementation of safety measures as deemed necessary, services and accommodations, and referral to confidential resources.

Please note that filing a complaint with Middlebury does not require you to file a report with the police. The legal system and Middlebury's disciplinary process are independent of one another so you can choose to report to the police (or choose not to).

**Reporting to Law Enforcement**

In addition to (or instead of) utilizing Middlebury’s processes and resources, any student, employee or covered third party who wishes to report a complaint of sexual assault, domestic violence, dating violence, or stalking under this policy may also pursue criminal charges with local, state, or federal law enforcement agencies (see Appendix B at to Middlebury’s Policy Against Sexual Misconduct, Domestic and Dating Violence and Misconduct, and Stalking for contact information; see also Contact information for Reports to Middlebury Officials or Law Enforcement, below).

Middlebury will offer and upon request provide assistance to students, employees and covered third parties with notifying law enforcement agencies. These options are available regardless of whether an individual chooses to file a complaint with Middlebury. Individuals have the option to notify such agencies with or without assistance from Middlebury, and have the option not to personally notify such authorities. Individuals may request assistance by contacting a Judicial Affairs Officer (JAO), Human Relations Officer (HRO), Title IX Coordinator, a member of the Language Schools administrative staff, or
Public Safety. Contact may be made via email, phone, teleconference or in person. See contact information below.

**Contacting the Police**

**Emergencies:** dial 911. In non-emergency situations, please call the Oakland Police Department at 510.777.3211.

**Reporting Sexual Assault**

The following summary was obtained from the State of California's Women's Rights Handbook-Chapter 7 (for access to this resource type ag.ca.gov/publications//womansrights/ch7.php#7 into your web browser). The information herein does not constitute legal advice and may be amended from time to time. Individuals should consult their counsel or other local resources to ensure complete and accurate information.

If you are sexually assaulted, you can call the police and receive immediate assistance.

When you call the police emergency number and report that you have been raped, you can expect to be asked the following questions by the police dispatcher over the phone:

- Your name and location.
- Whether you need emergency medical assistance.
- How long ago the assault occurred.
- A brief description of the rapist, the accused’s car or other form of transportation, and the direction the accused was last seen traveling.
- If the rapist had a weapon. This is for the officer’s safety in case of an immediate apprehension, and for your own future safety.

If you feel that it would be easier for you to discuss the attack with a woman, ask the police to send a woman investigator to see you. Most law enforcement agencies in California will try to provide a female officer for a rape victim upon request. You may also be able to have a friend, relative or counselor from a rape crisis center accompany you during the police interview. Bilingual officers may also be available. The police department will send an officer to your location to talk to you. The officer will ask you only general questions about the attack, unless you want to make a complete statement at that time. They will gather as much evidence as they can. As part of a follow-up investigation, a police investigator will be assigned to your case to collect evidence and work with you to try to arrest the person who assaulted you. You may request that one of the investigators on your case be a woman. You will be asked to describe the attack and your assailant in detail. You do not have to discuss your past sexual history. You do have to discuss past sexual relations you may have had with the person who raped you. However, that alone cannot be used as evidence of consent. You should not be asked if you enjoyed the assault or had an orgasm. You have a right to ask the officers to explain why they are asking you certain questions. You may be asked to view pictures (mug shots) of several individuals to try to identify the person who raped you.

The police cannot require you to take a polygraph test (lie detector test).

**The Legal Process**

A prosecuting attorney in the district attorney's office will be assigned to review your case. The attorney can explain the legal procedures for prosecution to you and will tell you what testimony you would be required to give and how often you might have to appear in court. Counselors and lawyers with rape crisis centers and victim witness assistance programs can also explain legal procedures to you.
If you were attacked by your spouse or someone you know, you can have a temporary restraining order issued, if you are afraid your assailant will continue to harass you.

If the Suspect is Arrested

If your attacker is arrested, the deputy district attorney will decide whether to issue a formal complaint against the suspect. This decision is based on the strength of the evidence against the suspect.

The suspected rapist has a right to a defense attorney during all legal proceedings. An attorney from the public defender's office may be assigned to represent the suspect. The public defender may assign an investigator to work on the case.

You are not obligated to speak with the defense attorney or his/her investigator, or anyone else about your case until you are in court. However, your name and address must be disclosed to the defendant and the defense cannot be precluded from contacting you in the absence of a showing of good cause (threats or possible danger to the safety of the victim or witness, possible loss or destruction of evidence, or possible compromise of law enforcement investigation, or actual harassment). If you choose to answer an attorney's or investigator's questions, you may have another person present with you, if you wish. You should also notify the deputy district attorney. You should always ask for identification and an explanation of the purpose from anyone contacting you about the case.

If the Suspect is Charged with Rape

A suspect who is formally charged is called a defendant. Before the actual trial, the court, through a magistrate, conducts a hearing, called a preliminary hearing, to determine whether the prosecutor has enough evidence to show that the rape was committed and that the defendant is probably the one who committed the rape, so that the defendant may be tried for the rape.

Certain hearsay testimony by law enforcement officers having specified experience or training may be introduced at the preliminary hearing to show probable cause to try a person for rape. Thus, your testimony may not be needed at the preliminary hearing. The deputy district attorney prosecutes the case on behalf of the people of California and not on behalf of you directly, because a rape, like any other violent crime, is considered a crime against the state. The decision to prosecute, accept a plea bargain or drop the case is up to the district attorney, not the victim.

After the evidence is heard at the preliminary hearing, the magistrate will decide whether to send the case to superior court for a trial. If the judge does not believe there is enough evidence, the charges will be dropped, and the suspect will be released.

The Trial

If there is a trial, it may take place several months after the rape. The prosecutor will contact you to prepare you for trial.

At the trial, witnesses are permitted in the courtroom only when they are testifying, if the defense attorney has asked that witnesses be excluded from the courtroom. The judge shall also order the witnesses not to converse with each other until they are all examined, and may order, where feasible, that the witnesses be kept separated from each other until they are all examined.

You may ask the district attorney to request that you be allowed not to give your name, address and telephone number when you testify, except that your name must usually still be provided to the defense during discovery proceedings before trial. The law allows the complaining witness in a sex crime case to testify anonymously, if necessary to protect the complaining witness’s privacy and if it will not unduly prejudice the prosecution or the defense.
You have a right to have two persons of your choosing at the trial, one of whom may be a witness, to provide you with moral support. One can accompany you to the witness stand, while the other can remain in the courtroom.

At the trial, you will be questioned by the deputy district attorney and the defendant's attorney. They will be able to ask you about any prior sexual relations you may have had with the defendant. (Over half of all rapes are committed by a person known to the victim.) However, they will not be able to ask you questions about your sexual conduct with persons other than the defendant in order to prove you consented to the defendant's acts. Your prior sexual history with persons other than the defendant is not admissible to prove consent, although it may be admitted into evidence if the defense attorney convinces the court that it is relevant to your credibility. The defendant's attorney cannot order you to submit to a psychiatric or psychological examination for the purpose of assessing your credibility.

Evidence of past sexual offenses of the defendant can be used in court to show the defendant's propensity to commit the sexual assault, if the value of the evidence is outweighed by its prejudicial effect on the defendant.

After the trial, the deputy district attorney should call you and tell you the outcome of the case and what will happen to the defendant. If the defendant is found not guilty, the defendant will be released immediately. A finding of not guilty means that there was not enough evidence for the jury, or the judge, if it was not a jury trial, to believe that the defendant was guilty "beyond a reasonable doubt."

If the defendant is convicted, sentencing will take place approximately 30 days later at a sentencing hearing. You may be contacted by a probation officer, so that your comments about the rapist can be reported to the judge at the time of sentencing.

Under California's Sexually Violent Predators Act, which provides that certain violent sexual predators can be locked up indefinitely in mental hospitals after they finish their prison sentences, if they have a diagnosed mental disorder.

**Reporting Domestic/Dating Violence**

The following summary was obtained from the State of California's Women's Rights Handbook, Chapter 7. The information herein does not constitute legal advice and may be amended from time to time. Individuals should consult their counsel or other local resources to ensure complete and accurate information.

**Call The Police**

When the police arrive, insist on filing a police report, even if you do not want to press charges. The police report is crucial for your future protection. It will support you if you are attacked again and want to press charges, seek to gain custody of your children, or wish to obtain a protective order or restraining order against your attacker.

**You Can Have Your Attacker Arrested**

There are two ways for you to have your attacker arrested: police arrest and citizen's arrest. Also, the police may issue a misdemeanor citation against your attacker in less serious situations, unless the arresting officer determines that there is a reasonable likelihood that the offense will continue or that the safety of persons or property would be endangered, in which case the person will be arrested and taken before a magistrate.
Police Arrest

When the police answer your call, you should tell them if you want your attacker arrested. The police can usually only arrest the attacker if they have an arrest warrant, or if they have no warrant, if the attacker commits a crime in their presence; the attacker committed a felony, though not in their presence; or if they have reasonable cause to believe that a serious attack (felony) has been committed. Felonies are more serious attacks and threats, while misdemeanors are less serious.

However, if a peace officer is responding to a call alleging a violation of a domestic violence protective or restraining order and the peace officer has reasonable cause to believe that the person against whom the order is issued has notice of the order and has committed an act in violation of the order, the officer may arrest the person, whether or not the violation occurred in the presence of the arresting officer.

If a person commits an assault or battery upon his/her spouse, upon a person with whom he/she is cohabiting, or upon the parent of his/her child, the peace officer may arrest the person without a warrant where the officer has reasonable cause to believe that the person to be arrested has committed the assault or battery, and where the officer makes the arrest as soon as reasonable cause arises to believe that the commission of the assault or battery has occurred.

To help the police decide whether to arrest the attacker, you should:

- Describe the attack to them, telling them the amount of force used.
- Describe your injuries.
- Tell the police if a weapon was used or threatened to be used against you. The law allows certain law enforcement personnel at the scene of an incident of domestic violence involving a threat to human life or physical assault to take custody for no less than 48 hours of any firearm or deadly weapon in plain sight or discovered pursuant to a consensual search, as necessary for the protection of the peace officer or other persons present.
- If a law enforcement agency has reasonable cause to believe that the return of a firearm or other deadly weapon would be likely to result in endangering the victim or the person reporting the assault or threat, the agency can advise the owner of the firearm within ten days of the seizure, and file a petition in superior court to determine if the firearm or other deadly weapon should be returned.
- A police officer has a duty to listen to your statement and to make a police report. You may take the name and badge number of the officer for your own record.

Citizen’s Arrest

If the police do not arrest your attacker, you may make a citizen's arrest. Every citizen can arrest another person who has committed a crime or attempted to commit a crime in his/her presence, who has committed a felony, even if not in his/her presence, or when a felony has been committed, and he/she/they reasonably believe the person to have committed it. You have a legal right to make a citizen's arrest and once the arrest is made, the police have a duty to take your attacker into custody.

Any time you are hit, beaten or assaulted, the attacker is committing a crime in your presence. You should tell the police if you want to make a citizen's arrest and have your attacker taken away.

If the officer refuses to take the attacker into custody, call a domestic violence hotline or shelter for advice. (The law provides that any peace officer who has the authority to receive or arrest a person charged with a criminal offense who willfully refuses to do so, is subject to a fine of $10,000 or by
You Can Press Charges, Even If No Arrest Was Made or Citation Issued

If your attacker was not arrested or cited, and you have decided to press charges, you must file a police report. The police will then go to the district attorney's office with a copy of this report. (In some locations, misdemeanors are prosecuted by the city attorney instead of the district attorney.) To proceed, the district attorney must be convinced that a crime probably was committed and that the person accused probably committed it. If you have any evidence of the crime, you should give it to the police and request that they take it to the district attorney's office. It is helpful to get color photographs of your injuries for use at the trial. To encourage prosecution, you may have to convince the district attorney that you are willing to file the complaint and that you will not later refuse to testify. You should telephone the district attorney's office and make an appointment to talk with a deputy district attorney. Some district attorney's offices have special programs to assist victims of domestic violence. If the district attorney decides to prosecute your attacker for a crime or crimes, the case will go to preliminary hearing (if a felony) and a trial.

After An Arrest

Your attacker may be free to return home in a short period of time after the arrest. The police may issue a misdemeanor citation (similar to a traffic ticket) and let the attacker go, unless, for example, the arresting officer determines that there is a reasonable likelihood that the offense will continue, or that the safety of persons or property would be endangered, in which case the attacker will be taken before a magistrate. A hearing is required before a person charged with a felony domestic violence is released on bail or is released on his/her own recognizance and the hearing should address the issue of any threats made against victims or witnesses.

You must be prepared for the fact that your attacker may return soon after the arrest and may return home in an angry, violent mood. On the other hand, the arrest may make your attacker realize how serious his/her/their actions were.

If you believe your attacker will return home to beat you in revenge, arrange to stay with friends or relatives, or call a domestic violence shelter immediately to arrange a safe place for you and your children to stay until you make new plans, or seek a protective order from the court. The district attorney's office can request a stay away order that prohibits your attacker from contacting you with the intent to annoy, harass, threaten or commit acts of violence, or the court can issue the order on its own.

Criminal Prosecution

After an Arrest

After your attacker is arrested, the police report is sent to the district attorney to draw up a complaint for prosecution. The district attorney may ask you to come to the district attorney's office for an interview. If the crime is a felony, the district attorney will sign the complaint. If the crime is a misdemeanor, and if there was no police officer at the scene of the beating who saw the crime and can testify as a witness at trial, the district attorney may ask you to sign the misdemeanor complaint, although many district attorneys' offices have a policy of never asking victims to sign complaints. The district attorney often will refer you to a family violence victim advocate to assist you through the prosecution process.
If a citizen's arrest was made after the beating, you will have to go to the district attorney's office the next day to make a formal citizen's complaint. Some district attorneys may be reluctant to prosecute the batterer if it appears that you are not firm in your decision to press charges and if you appear unwilling to testify. However, prosecutors are allowed to introduce past evidence of domestic abuse (if it was not more than 10 years before the offense) to prove that a defendant was guilty of domestic abuse again, so they may decide to proceed against the person even without your cooperation. Prosecutors may also make use of spontaneous statements made by the victim to the police shortly after the domestic violence occurred, even if the victim does not testify.

Once the district attorney has filed a formal criminal complaint on behalf of the state, only the district attorney can withdraw it.

You will be served with a subpoena to testify as a witness in court. Statistics show that a large number of domestic violence victims refuse to testify. Prosecuting a criminal case is time-consuming and costly to the state. Therefore, district attorneys may be reluctant to file complaints if they believe that you will not testify voluntarily. If you are serious about pressing charges and testifying, you should emphasize these intentions to the district attorney to encourage prosecution. Your medical records may also be subpoenaed or obtained through a search warrant.

An arraignment will usually be held a few days after the arrest. The arraignment is a hearing before a judge where the defendant is told of the criminal charges against him. Bail will be set at this hearing.

You may ask the judge, as a condition of bail, to order your attacker to stay away from you. If such an order is issued as a condition of bail, and a party breaks the order by going to see you, bail may be revoked and the attacker could be jailed.

The Trial
First, there may be a preliminary hearing. If the attack was serious enough to be deemed a felony, you may be required to testify at a preliminary hearing. At the preliminary hearing, the district attorney must present enough proof to show that you have been attacked by the suspect. If called to testify, you will have to answer questions from your attacker's attorney. If you are unwilling to testify, the charges may be dropped and the prosecution may end.

Whether the case involves a felony or a misdemeanor, you will probably be required to testify against your attacker at trial. At the trial, the district attorney will ask you about your relationship with the attacker, the attacker’s personality and treatment of you, the argument or events that preceded the attack, the time and place of the attack, the pain and injuries you suffered, and the steps you have taken to protect yourself.

You will be cross-examined by the defense attorney. The defense attorney may challenge the truth of your statements, and may accuse you, rather than the defendant, of being at fault. You may bring up to two persons to court with you who can give you moral support and encouragement, one of whom can be a witness. You may also bring staff from a domestic violence shelter with you. Only one of the support persons may accompany you to the witness stand, although the other may remain in the courtroom during your testimony. Support persons may be excluded under certain circumstances.

When you finish testifying and are dismissed from the witness stand, you are free to leave the courthouse. You may wish to do so immediately, to avoid seeing the defendant and to prevent the defendant from following you to your home or shelter when the trial is adjourned for the day. If you fear your attacker will be released and then follow you and beat you to get even with you for pressing charges, ask the police to escort you safely home, or seek a protective or restraining order from the court.
Under the law there is a privilege that protects confidential communications between the victim and a domestic violence counselor. There are two exceptions, death of the victim and the waiver of the privilege by the victim. A court is permitted to compel disclosure of the privileged information under certain circumstances.

It is possible that your children may be called as witnesses. The district attorney can make a motion that the court appoint a representative for a child witness in a domestic violence case, and a child may also be entitled to have a support person who is not a witness present. The court can also issue orders to protect the child from the defendant.

To find your attacker guilty, the district attorney must convince the judge or the jury that the defendant is guilty beyond a reasonable doubt. If the defendant is found not guilty, he/she/they will be released immediately.

**Sentencing**
Detailed information about sentencing is available in Chapter 7, Section 2 (for access to this resource and the above information type [ag.ca.gov/publications/womansrights/ch7.php#7.2](http://ag.ca.gov/publications/womansrights/ch7.php#7.2) into your web browser).

Source: [https://oag.ca.gov/publications/womansrights/ch7#7_2](https://oag.ca.gov/publications/womansrights/ch7#7_2)

**Stalking**
According to the [National Center for Victims of Crime](https://www.natcentre.org/)
Stalking often occurs along with other crimes, like domestic violence and sexual assault. While there are no state coalitions for victims of stalking, many domestic violence and sexual assault programs are able to provide assistance. Many of the resources can be confusing to navigate, victim advocates are available to talk to you about address confidentiality, and your states criminal and civil stalking laws. Victim advocates can also assist you with [safety planning](https://www.safetyplanning.org/), keeping a log of stalking incidents, and how to be safe when using technology. Find services and/or an advocate in your county using the following links:

- [California Partnership to End Domestic Violence](https://www.calendv.org/)
- [California Coalition Against Sexual Assault](https://www.ca sexualabuse.org/)

Criminal stalking laws define when a perpetrator may be charged with the crime of stalking, and what infractions are required to bring such a charge. The laws usually define various misdemeanor and felony offenses that correlate with the severity of the transgression. Based on police investigation, a state prosecutor will determine what charges to bring against an offender, and will then file charges against the perpetrator (formally known as an indictment). A trial typically follows, and the defendant may be offered a plea agreement. The criminal statute will also delineate potential punishments, if the perpetrator is convicted, which may include probation, house arrest, and incarceration, among others. Restitution may be requested and awarded to the victim by court order following a conviction, usually at a sentencing hearing.

Civil stalking laws allow victims of stalking to initiate a lawsuit to recover compensation from the perpetrator and any third party that may be responsible for the crime. In a civil lawsuit, there is no possibility of a criminal punishment; instead, the victim plaintiff is suing for actual harm (known as actual damages), punitive damages, attorney’s fees, and court costs. Civil statutes also often provide for victims to obtain protective orders against the perpetrator.

Rights of Victims Regarding No Contact Orders and No Trespass Notices
Issued by Middlebury and/or Orders of Protection, Restraining Orders,
or Similar Lawful Orders Issued by a Court

Middlebury can issue No Contact Orders restricting contact between two members of the Middlebury community, and No Trespass Notices restricting individuals from Middlebury-owned or rented property. Requests for a No Contact Order or a No Trespass Notice may be directed by telephone, email or in person to a JAO, a HRO, the Title IX Coordinator or program director (see contact information below).

In the United States, a relief from abuse order, also called a protection order or restraining order, is a court order that is designed to stop violent, harassing and threatening behavior. It can also stop the respondent from any contact or communication with the complainant, and protect the complainant and the complainant’s family members, as appropriate, from the respondent. Such orders may be awarded by courts in the United States on a temporary basis, in which case they are instituted by a judge immediately and reviewed subsequently through a court hearing process where it is determined whether they will remain in effect for a longer term. Similar resources may exist in other countries where Middlebury operates its programs (please contact Sexual Assault Support and Help for Americans Abroad for more information regarding similar orders in foreign jurisdictions).

Middlebury does not have the authority to issue Relief From Abuse Orders, Orders of Protection or Restraining Orders, as these are granted by the court system. In addition to (or instead of) Middlebury’s No Contact Orders and No Trespass Notices, individuals who are being or who may have been subjected to sexual assault, domestic or dating violence, stalking and/or related retaliation may pursue Orders of Protection, Restraining Orders and/or Relief from Abuse Orders from United States courts or courts outside of the United States as applicable. Middlebury will support individuals if they request Middlebury’s assistance with making contact with law enforcement authorities and other external resources to seek such orders. Middlebury will comply with and respect such orders to the extent applicable.

Requests for assistance with contacting law enforcement authorities or obtaining an Order of Protection, a Relief from Abuse Order, a Restraining Order or other lawful order may be made in person, or via email, phone or teleconference to a JAO, HRO, Title IX Coordinator, Public Safety staff member, a member of the Language Schools administrative staff, or program director. See contact information below.

The following information was obtained from the California Courts/The Judicial Branch of California. The information herein does not constitute legal advice and may be amended from time to time. Individuals should consult their counsel or other local resources to ensure complete and accurate information.

Domestic Violence Restraining Orders (California)

A domestic violence restraining order is a court order that helps protect people from abuse or threats of abuse from someone with whom they have a close relationship. You can ask for a domestic violence restraining order if:

1. A person has abused (or threatened to abuse) you: and

2. You have a close relationship with that person. You are:
   - Married or registered domestic partners,
   - Divorced or separated,
   - Dating or used to date,
- Living together or used to live together (more than roommates),
- Parents together of a child, OR
- Closely related (parent, child, brother, sister, grandmother, grandfather, in-law).

If you are a parent and your child is being abused, you can also file a restraining order on behalf of your child to protect your child (and you and other family members). If your child is 12 or older, he or she can file the restraining order on his or her own.

If you do not qualify for a domestic violence restraining order, there are other kinds of orders you can ask for:

- Civil harassment restraining order (can be used for neighbors, roommates, coworkers, or more distant family members like cousins, uncle or aunt, etc.). For information about obtaining a civil harassment restraining order, see: [http://www.courts.ca.gov/](http://www.courts.ca.gov/).
- Workplace violence restraining order (filed by an employer to protect an employee from violence, stalking, or harassment by another person). For more information see: [http://www.courts.ca.gov/](http://www.courts.ca.gov/).

If you are not sure what kind of restraining order you should get, talk to a lawyer. Also, your court’s family law facilitator or self-help center may be able to help you. And your local legal services offices may also be able to help you or refer you to someone who can.

**What a restraining order CAN do**

A restraining order is a court order. It can order the restrained person to:

- Not contact or go near you, your children, other relatives, or others who live with you;
- Stay away from your home, work, or your children’s schools;
- Move out of your house (even if you live together);
- Not have a gun;
- Follow child custody and visitation orders;
- Pay child support;
- Pay spousal or partner support (if you are married or domestic partners);
- Stay away from any of your pets;
- Transfer the rights to a cell phone number and account to the protected person (read more);
- Pay certain bills;
- Not make any changes to insurance policies;
- Not incur large expenses or do anything significant to affect your or the other person’s property if you are married or domestic partners;
- Release or return certain property; and
- Complete a 52-week batterer intervention program.
Once the court issues (makes) a restraining order, the order is entered into a statewide computer system (called CLETS) that all law enforcement officers have access to. And your restraining order works anywhere in the United States. If you move out of California, contact your new local police so they will know about your orders.

If you move to California with a restraining order from another state, or if you have a restraining order issued by a tribal court (in California or elsewhere in the U.S.), your restraining order will be valid anywhere in California and the police will enforce it. If you want your restraining order to be entered into California’s statewide domestic violence computer system, you can register your order with the court. Fill out and take an Order to Register Out-of-State or Tribal Court Protective/Restraining Order (Form DV-600), California Law Enforcement and Telecommunications System (CLETS) to your local court. Take a certified copy of your order with you. But keep in mind that you are not required to register your out-of-state or tribal court restraining order. A valid order is enforceable even if you do not register it.

What a restraining order CANNOT do
A restraining order cannot:

- End your marriage or domestic partnership. It is NOT a divorce.
- Establish parentage (paternity) of your children with the restrained person (if you are not married to, or in a domestic partnership with, him or her) UNLESS you and the restrained person agree to parentage of your child or children and agree to the court entering a judgment about parentage. Read and use Agreement and Judgment of Parentage (Form DV-180) to do this.

Effect of a restraining order on the restrained person
For the person to be restrained, the consequences of having a court order against him or her can be very severe.

- He or she will not be able to go to certain places or to do certain things.
- He or she might have to move out of his or her home.
- It may affect his or her ability to see his or her children.
- He or she will generally not be able to own a gun. (He or she will have to turn in, sell or store any firearms he or she has, and will not be able to buy a gun while the restraining order is in effect.)
- The restraining order may affect his or her immigration status. If you are worried about this, talk to an immigration lawyer to find out if you will be affected.

If the person to be restrained violates the restraining order, he or she may go to jail, or pay a fine, or both.

Types of Domestic Violence Restraining Orders

Emergency Protective Order (EPO)
An EPO is a type of restraining order that only law enforcement can ask for by calling a judge. Judges are available to issue EPOs 24 hours a day. So, a police officer that answers a domestic violence call can ask a judge for an emergency protective order at any time of the day or night.
The emergency protective order starts right away and can last up to 7 days. The judge can order the abusive person to leave the home and stay away from the victim and any children for up to a week. That gives the victim of the abuse enough time to go to court to file for a temporary restraining order.

To get an order that lasts longer than an EPO, you must ask the court for a Temporary Restraining Order (TRO).

**Temporary Restraining Order (TRO)**
When you go to court to ask for a domestic violence restraining order, you fill out paperwork where you tell the judge everything that has happened and why you need a restraining order. If the judge believes you need protection, he or she will give you a temporary restraining order.

Temporary restraining orders usually last between 20 and 25 days, until the court hearing date.

**“Permanent” Restraining Order**
When you go to court for the hearing that was scheduled for your TRO, the judge may issue a “permanent” restraining order. They are not really “permanent” because they usually last up to 3 years.

At the end of those 3 years (or whenever your order runs out), you can ask for a new restraining order so you remain protected.

**Criminal Protective Order or “Stay-Away” Order**
Sometimes, when there is a domestic violence incident (or series of incidents), the district attorney will file criminal charges against the abuser. This starts a criminal court case going. It is common for the criminal court to issue a criminal protective order against the defendant (the person who is committing the violence and abuse) while the criminal case is going on, and, if the defendant is found guilty or pleads guilty, for 3 years after the case is over.

To learn more about criminal protective orders, see How does a Criminal Protective Order help me? And if there is a criminal protective order against you, see A Criminal Protective Order was issued against me. See also: Asking for a Domestic Violence Restraining Order (for detailed instructions on how to ask for a domestic violence restraining order) and Responding to a Domestic Violence Restraining Order (for detailed instructions on how to answer a request for a domestic violence restraining order).

**Getting Help**
You do not need a lawyer to ask for (or respond to) a restraining order. BUT it is a good idea to have a lawyer, especially if you have children.

The court process can be confusing and intimidating. Both people will have to see each other in court, and both will have to tell the judge details of what happened in a public courtroom. Having a lawyer or (for the protected person) support from domestic violence experts can help make the process easier to handle.

**For the person asking for protection**
Most cities and counties have domestic violence help centers, shelters, or legal aid agencies that help people ask for a restraining order. These services are usually free or very low cost. If you are the person asking for a restraining order, look for help in your area before you try to do it on your own. (For resources in your area contact the National Domestic Violence Hotline.

Your court’s family law facilitator or self-help center may also be able to help you with the restraining order, or at least with any child support or spousal/partner support issues you may have.
If you live in an Indian tribal community or reservation, the tribe may also have a Tribal Advocate and other resources to help you. Read "What Is a Tribal Advocate?" for more information.

**For the person responding to a restraining order**

It is more difficult to find free or low-cost legal help if you are responding to a request for a domestic violence restraining order. But you should still try since legal aid agencies have different guidelines, and your local bar association may have a volunteer lawyer program that can help you. Click for help finding a lawyer.

Your court’s family law facilitator or self-help center may also be able to help you respond to the restraining order. If they cannot help with the restraining order, they can at least help you with any child support or spousal/partner support issues you may have.

Source: [www.courts.ca.gov/selfhelp-domesticviolence.htm](http://www.courts.ca.gov/selfhelp-domesticviolence.htm)

**Other Resources**

For victims of domestic violence:

**National Domestic Violence Hotline**

1-800-799-7233  
TDD: 1-800-787-3224

Call 24 hours a day, 7 days a week. They can help you in more than 100 languages. It is free and private.

The National Domestic Violence Hotline links you to the following resources in your community:

- Domestic violence shelters
- Emergency shelters
- Legal help
- Social service programs

The website also provides a lot of information to help you and your children stay safe and get protection.

**Resources and additional information:**

**Victim Information & Notification Everyday** (VINE): This service provides information about criminal cases and the custody status of offenders 24 hours a day

Full Faith and Credit: Requires that a valid protection order issued in one state be treated another state as if it were one of its own. It enables the victim to travel safely without having to establish jurisdiction or secure a new protective order.

**WomensLaw** provides legal information and support to victims of domestic violence and assault.

**Legal Services Corporation** provides legal assistance to low-income individuals and families throughout the nation.

Source: [Domestic Violence Hotline](http://www.courts.ca.gov/selfhelp-domesticviolence.htm)

**Reporting to Law Enforcement**

**Abuse -- Reporting to the Police: Options & Tips for Being Prepared**
Police Reports and Protective Orders
International: Law enforcement procedures vary by location. Please contact Sexual Assault Support and Help for Americans Abroad: SASHAA Advocates are available 24/7. You can reach the SASHAA Crisis Center by calling their institutional toll-free crisis line (833-SAFE-833) or emailing them at crisis@pathwaystosafety.org. An advocate will reply to you within 24 hours, Monday through Friday. To find your AT&T USA Direct Access number, click here; then dial the access code and at the prompt dial 833-SAFE-833.

Contact information for Reports to Middlebury Officials or Law Enforcement

PUBLIC SAFETY AND LOCAL LAW ENFORCEMENT

On Campus
*Mills College Public Safety*

*Emergency: Call 911*

5000 MacArthur Blvd
CPM Room 113
Oakland, CA 94613
510.430.5555

Off Campus
*Oakland Police Department*

*Emergency: Call 911*

455 7th Street
Oakland, CA 94607
510.777.3333

Middlebury will provide assistance if an individual wishes to report a crime to law enforcement.

Contact Information for Middlebury at Mills Officials

*Earl Fechter, J.D.*
Middlebury College
Service Building 216
802.443.3426
efechter@middlebury.edu

*Judicial Affairs Officer/Title IX Coordinator Designee*
*Karen S. Guttentag*
*Associate Dean for Judicial Affairs and Student Life*
Middlebury College
Service Building 219
802.443.2024
kguttent@middlebury.edu

*Title IX Coordinator*
*Susan P. Ritter, J.D.*
Middlebury College
Service Building 213
Middlebury, VT 05753
802.443.3289
sritter@middlebury.edu
Alternate Human Relations Officers
Laura Carotenuto
Middlebury College
Human Resources
Marble Works 120
Middlebury, VT 05753
802.443.2012
lcaroten@middlebury.edu

Other Program Contacts
Sasha Miyamoto
Language Schools Administration
PMB 9972, 5000 MacArthur Blvd.
Oakland, CA 94613
510.430.2285
smiyamoto@middlebury.edu

Interim Vice President for Academic Affairs and Dean of the Language Schools
Stephen B. Snyder
Sunderland Language Center 209
802.443.5979
ssnyder@middlebury.edu

Elizabeth Karnes Keefe, Associate Dean
Middlebury College
Sunderland Language Center 211
Middlebury, VT 05753
802.443.5685
karnes@middlebury.edu

Confidentiality
Middlebury encourages individuals to report incidents of sexual misconduct (including sexual assault), domestic violence, dating violence, stalking and related retaliation so that they can get the support they need, and so that Middlebury can respond appropriately. Certain Middlebury employees may maintain confidentiality, but most cannot. Although strict confidentiality may therefore not be guaranteed in all cases, Middlebury will handle information in a sensitive manner and will endeavor to protect the privacy of individuals to the extent it can do so consistent with its obligations to respond to reports of sexual misconduct (including sexual assault), domestic violence, dating violence, stalking and/or related retaliation. Middlebury officials will consider requests for confidentiality in accordance with the confidentiality provisions of its Policy Against Sexual Misconduct, Domestic and Dating Violence and Misconduct, and Stalking (see Section 3 of the policy and How Middlebury Will Protect the Confidentiality of Victims, below).

Confidential Resources
Individuals are encouraged to seek support from internal and external resources such as counseling services or advocacy services. Contact information is available in Appendix C to Middlebury’s Policy Against Sexual Misconduct, Domestic and Dating Violence and Misconduct, and Stalking (“SMDVS policy”).
A confidential resource is an individual who is legally and ethically bound to keep confidential all information shared with them in the course of providing counsel and support, except under the circumstances noted below. Middlebury respects that the decision to come forward may be difficult and that individuals may wish to seek assistance from someone who can confidentially offer information and support, and who can provide assurances that the disclosed information will not be acted on except in the circumstances outlined below. (For a list of confidential resources, see below and Appendix C to the SMDVS policy). In general, the law recognizes and protects the confidentiality of communications between a person seeking care and a medical or mental health professional, religious advisor or trained sexual assault advocate. The medical, mental health, and religious professionals in the surrounding community respect and protect confidential communications from students, faculty, and staff to the extent they are legally able to do so. These professionals may have to breach a confidence, however, when they perceive a serious risk of danger or threat to any person or property. In addition, medical and mental health professionals may be required by law to report certain crimes (e.g., any allegation of sexual and/or physical abuse of a person under 18). These exceptions to confidentiality are governed by the law of the state in which the confidential resource is located.

An individual who speaks to a confidential resource must understand that, if they want to maintain confidentiality, Middlebury will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the respondent. However, confidential resources may assist the individual in receiving other forms of protection and support, such as victim advocacy; academic accommodations; disability, health or mental health services; and changes to living, working, or transportation arrangements. (For more information, see Services and Accommodations, below and Section 6 of the SMDVS Policy). An individual who initially requests confidentiality may later decide to file a complaint with Middlebury or report the incident to local law enforcement, and thus have the incident fully investigated. These confidential resources will help to direct the individual to the appropriate resources in the event that the individual wishes to file an internal complaint with Middlebury or report to the police.

Non-Confidential Resources

Non-confidential resources are all faculty or staff members, including residential life staff and ombudspersons, who are not medical or counseling professionals, clergy, and are therefore not permitted to honor requests for confidentiality. Non-confidential faculty or staff who learn of an incident of alleged sexual misconduct, domestic or dating violence or misconduct, stalking or related retaliation involving a student are required to report that information to a HRO or JAO or the Title IX Coordinator, and they are “responsible employees” to this extent. The Title IX Coordinator, HROs and JAOS are “responsible employees” for the purposes of redressing reports of sexual misconduct, domestic and dating violence and misconduct, stalking and related retaliation in accordance with Middlebury’s SMDVS policy (see above for contact information).

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

Employees with supervisory responsibility are expected to report all incidents of alleged sexual misconduct, domestic and dating violence and misconduct, stalking or related retaliation involving employees to a Human Relations Officer (HRO), the Title IX Coordinator, and/or to Human Resources.

General inquiries to Middlebury officials about policies or procedures, and conversations in which the respondent is not identified by name or by implication from the circumstances, may remain private. Otherwise, individuals who want to maintain confidentiality should seek a confidential resource.
Middlebury will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about individuals, and will maintain as confidential any accommodations or protective measures provided to individuals, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

(See also Services and Accommodations and How Middlebury Will Protect the Confidentiality of Victims, below)

How Middlebury Will Protect the Confidentiality of Victims

Evaluating Requests for Confidentiality in Sexual Assault Cases

If an individual discloses an incident of sexual assault but wishes to maintain confidentiality (i.e., requests that no investigation into a particular incident be conducted or disciplinary action taken), Middlebury will make every effort to respect this request and will evaluate the request against its responsibility to provide a safe, non-discriminatory environment for all students, faculty and staff, including the individual who reported the sexual assault. Although rare, there are times when Middlebury may not be able to honor the individual’s request. Further, if Middlebury honors the request for confidentiality, Middlebury’s ability to appropriately investigate the incident and pursue disciplinary action against the respondent(s), if warranted, may be limited.

Middlebury has designated its Judicial Affairs Officers, Human Relations Officers, and its Title IX Coordinator as responsible for evaluating requests for confidentiality, as appropriate to the circumstances. In considering an individual’s request for confidentiality, the HROs, JAOs, and/or Title IX Coordinator may consult with Middlebury’s Threat Assessment and Management Team and/or and other Middlebury personnel, or law enforcement authorities, as appropriate.

Factors to be considered in determining whether confidentiality should be maintained may include but are not limited to:

(i) The increased risk that the respondent will commit additional acts of sexual assault or other violence, such as:

• whether there have been other sexual assault complaints about the same respondent;
• whether the respondent has a history of arrests or records from a prior institution indicating a history of violence;
• whether the respondent has threatened further sexual misconduct or other violence against the individual or others;
• whether the alleged sexual misconduct was committed by multiple respondents;
• circumstances that suggest there is an increased risk of future acts of sexual misconduct or other violence under similar circumstances (e.g., whether the report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group);

(ii) whether the alleged sexual misconduct was perpetrated with a weapon;

(iii) whether the complainant is a minor; and

(iv) whether Middlebury possesses other means to obtain relevant evidence (e.g., security cameras, information known to Middlebury personnel, or physical evidence).
The presence of one or more of these factors or other factors as deemed appropriate may prompt an investigation and adjudication under Middlebury’s policies and, if appropriate, result in disciplinary action. If none of these factors is present, Middlebury will likely honor the individual’s request for confidentiality.

**Evaluating Requests for Confidentiality in Domestic Violence, Dating Violence, Stalking, and Related Retaliation Cases**

In cases involving domestic violence, dating violence, stalking, and/or related retaliation, if an individual insists that their name or other identifiable information not be revealed, or asks that Middlebury not investigate or seek action against the respondent, Middlebury will evaluate the request in the context of its commitment to provide a safe environment for that individual as well as all students, staff and faculty. Thus, Middlebury may weigh the individual’s request against a number of factors, including but not limited to the seriousness of the alleged conduct; circumstances that suggest there is a risk of repeated conduct; whether there have been other reports or complaints about the respondent; the credibility and significance of existing relevant evidence; and the extent of any ongoing threat to the individual, the Middlebury community or any of its members.

In considering an individual’s request for confidentiality, the HROs, JAOS, and/or Title IX Coordinator may consult with Middlebury’s Threat Assessment and Management Team and other Middlebury personnel, as appropriate.

**If Confidentiality is Requested but Cannot be Maintained**

If Middlebury determines that it cannot maintain an individual’s request for confidentiality, Middlebury will inform the individual prior to conducting an investigation (unless extenuating circumstances are present) and will, to the extent possible, only share information with those individuals who are responsible for Middlebury’s response to the incident. Middlebury will not require the individual to participate in any investigation or disciplinary proceeding, nor will it require the individual to personally report any information to law enforcement authorities. It will remain up to the individual to choose whether they personally want to participate in notifying law enforcement authorities, or would rather not do so.

If when responding to reports of sexual misconduct (including sexual assault), domestic or dating violence, stalking, or related retaliation, Middlebury determines it is obligated to take any action that would involve disclosing a reporting individual’s identity to the respondent, or an action from which the reporting individual’s identity may be easily determined by the respondent, the individual will be informed before the action is taken (unless extenuating circumstances are present). If the reporting individual requests that the respondent be informed that they requested that there be no investigation or disciplinary action, Middlebury will endeavor to honor this request and inform the respondent that Middlebury made the decision to investigate the matter.

Middlebury will take supportive measures when requested and reasonably available that are designed to prevent and address retaliation against individuals whose requests for confidentiality have not been honored and to respond to their needs for support, services and accommodations.

**When Confidentiality Can be Maintained**

If Middlebury determines that it can respect the individual’s request for confidentiality (i.e., the individual’s request that a report of sexual misconduct, domestic or dating violence or misconduct, stalking, or related retaliation not be investigated/adjudicated), Middlebury will take action to assist the individual, to the extent possible, including the measures identified in Section 6, of Middlebury’s SMDVS policy where such measures are requested and reasonably available.
Individuals should be aware that if Middlebury honors their request for confidentiality, this may limit Middlebury’s ability to fully respond to the incident, including pursuing disciplinary action against the respondent.

**Disclosure During Internal Investigations and Adjudications**

Middlebury will handle information related to alleged violations of its policy with sensitivity and discretion. However, Middlebury may need to disclose information relating to an incident (including the identity of parties, witnesses or others) to the extent necessary to conduct a thorough, fair, and impartial investigation and adjudication process for all involved parties.

**Disclosure Required by Law**

Middlebury will not include the names of complainants or other personally identifying information in publicly available reports that are compiled as required by the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*, and when issuing timely warnings as required by the Clery Act, will withhold as confidential the names of such individuals. Middlebury officials responsible for compiling publicly available recordkeeping such as crime statistics published in the Annual Security Report(s), daily crime logs or timely warnings, review reports before publication and distribution to ensure that the information does not contain the names of complainants or other personally identifying information. Statistics published in Middlebury’s Annual Security Report(s) contain only the number and type of reported crimes. Middlebury is also part of a larger community and context. If there is an independent investigation, lawsuit, or criminal proceeding related to a sexual misconduct (including sexual assault), domestic or dating violence or misconduct, stalking or related retaliation matter, those involved or others may be required by law to provide testimony or documents (e.g., investigation reports, witness statements, and any other information gathered or obtained in the course of a particular matter).

**Disclosure to Law Enforcement**

In certain circumstances, Middlebury may need to report an incident to law enforcement authorities. Such circumstances include but are not limited to incidents that warrant the undertaking of safety and security measures for the protection of the individual and/or the campus community, or situations in which there is clear and imminent danger and/or a weapon may be involved. Complainants may choose to notify authorities personally and directly with or without Middlebury’s assistance, or may choose not to notify such authorities personally.

**Services and Accommodations**

Middlebury will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for individuals reportedly subjected to sexual assault, dating violence, domestic violence or stalking, both within the institution and in the community. Individuals can access on and off-campus support services or request information by contacting the individuals and offices identified below and/or accessing the websites identified below.

Middlebury will also provide written notification to individuals about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. Middlebury will make such accommodations or provide such protective measures if the complainant requests them and if they are reasonably available, regardless of whether the reported victim chooses to report the crime to Public Safety or local law enforcement.
It is not necessary to file a complaint with Middlebury, participate in a Middlebury adjudication process, or file a criminal complaint in order to request services or accommodations from Middlebury. These may include but are not limited to:

- No Contact Orders restricting encounters and communications between the parties;
- No Trespass Notices prohibiting the presence of an individual on Middlebury property, and/or other properties on which Middlebury programs are occurring.
- Academic accommodations, including but not limited to deadline extensions; Incompletes, course changes or late drops, or other arrangements as appropriate;
- Residential accommodations, including but not limited to arranging for new housing, or providing temporary housing options, as appropriate;
- Changing transportation or working arrangements or providing other employment accommodations, as appropriate;
- Assisting the individual in accessing support services, including, as available, victim advocacy, academic support, counseling, disability, health or mental health services, visa and immigration assistance, student financial aid services, and legal assistance both on and off campus, as applicable;
- Informing the individual of the right to report a crime to local law enforcement and/or seek orders of protection, restraining orders, or relief from abuse orders from United States courts or courts outside of the United States as applicable and providing assistance if the individual wishes to do so. Middlebury will also work with complainants and others as appropriate to respect and implement the requirements of such orders on premises that it owns or controls, as necessary and appropriate.

Where a complainant reportedly subjected to sexual assault, domestic or dating violence or stalking makes a reasonable request for accommodations like those described above, Middlebury is obligated to comply with that request if such accommodations are reasonably available.

Students and employees seeking services, protective measures, and/or accommodations should direct their request to a HRO, JAO, program director, or the Title IX coordinator, as appropriate. The request will be evaluated and responded to by the HRO, JAO, program director or Title IX coordinator after consultation, as needed, with the appropriate authority or authorities for the school or program at issue. Factors to be considered in determining reasonable services or accommodations may include the following:

- the specific need expressed by the complainant;
- the severity and/or pervasiveness of the allegations;
- any continuing effects on the complainant;
- whether the complainant and the respondent share the same residence hall, dining hall, class, extracurricular activities, transportation or job location; and
- whether other judicial measures have been taken to protect the complainant.
Middlebury will maintain as confidential any services, accommodations or protective measures provided to complainants, to the extent that maintaining such confidentiality would not impair the ability of Middlebury to provide the services, accommodations or protective measures. As such, Middlebury may need to disclose some information about the individual to a third party to provide the necessary accommodations or protective measures in a timely manner. The following individuals are typically responsible for determining what information should be disclosed and to whom it should be disclosed: a JAO, a HRO, Title IX Coordinator, dean, Public Safety officer or program director. The decision to disclose information will be made after careful consideration of possible alternatives to disclosure and/or limiting the information provided to the third party as much as possible without compromising Middlebury’s ability to provide the services, accommodations or protective measures.

Middlebury will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in 18 U.S. C. §16), or a non-forcible sex offense (i.e., incest or statutory rape), the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

On-and Off Campus Support Services

**Academic Support and Housing Assistance**

Sasha Miyamoto, Language Schools Program Coordinator  
PMB 9972, 5000 MacArthur Blvd.  
Oakland, CA 94613  
510.430.2285  
smiyamoto@middlebury.edu

**Disability Services**

Student Accessibility Services (Students Only)  
Jodi Litchfield, ADA Coordinator  
Middlebury College  
Service Building 222  
Middlebury, VT 05753  
802.443.5936  
litchfie@middlebury.edu

Laura Carotenuto (Faculty and staff)  
Middlebury College  
Human Resources  
Marble Works 120  
Middlebury, VT 05753  
802.443.2012  
lcaroten@middlebury.edu

**Student Financial Aid**

Student Financial Services (Students)  
Middlebury College  
85 South Service Road  
Middlebury, VT 05753  
802.443.5158  
SFS@middlebury.edu
Visa and Immigration Assistance
International Student & Scholar Services (Students, faculty and staff)
Middlebury College
Service Building-Second Floor
Middlebury, VT 05753
802.443.5858
isss@middlebury.edu

Confidential Support Services
Bay Area Women Against Rape (BAWAR)
470 27th Street
Oakland, CA 94612, located within the Alameda County Family Justice Center (www.acfjc.org)

24 hour free hotline: 510.845.RAPE (7273)

BAWAR:

BAWAR Get Help for Yourself
Founded in 1971, BAWAR was the first rape crisis center in the country. BAWAR provides free in-person counseling and advocacy services to survivors of sexual assault and their significant others and hospital, police and courtroom accompaniments.

Highland Hospital Sexual Assault Center
Highland Hospital Campus
1411 East 31st Street
Oakland, CA 94602
510.437.4688

The sexual assault response team at Highland Hospital’s Emergency Department is available 24 hours a day to assist sexual assault victims. These patients receive priority care by a staff member who has specialized training in their care and treatment.

The Domestic Violence Program provides crisis intervention, advocacy, counseling, information and referral services, anger management and support groups.

San Francisco Women Against Rape (SFWAR)
24 hour free hotline: 415.647.RAPE (7273)
Office: 415.861.2024
3542 18th Street, #7
San Francisco, CA 94110

Rape crisis counselors are available 24 hours/day to offer free support, information and resources for survivors of rape and sexual assault, friends, family members and others. Counselors are also trained in such areas as sexual harassment, incest, child sexual assault, same sex sexual assault, domestic violence, ritual abuse, suicide prevention, male survivors and stalking.

San Francisco Domestic Violence Consortium
The San Francisco Domestic Violence Consortium is a network of seventeen domestic violence service agencies that come together with the goal of providing high quality, coordinated and comprehensive services to San Francisco’s victims of domestic abuse.
Women Organized to Make Abuse Nonexistent, Inc. (W.O.M.A.N., Inc.) has operated since 1978 as a community-based, multi-service agency, serving survivors of domestic violence in San Francisco and the larger Bay Area.

A Safe Place
24/7 Crisis Line: 510.536.SAFE (7233)

A Safe Place’s mission is to end domestic violence by providing battered victims and their children with safe shelter and resources and to break the cycle of violence through outreach and education to at risk populations and diverse communities.

Victim/Witness Assistance Program (Alameda County)
510.272.6180

Family Violence Law Center (Alameda County)
24 Hour Hotline: 800.947.8301

Counseling

Counseling Services (Confidential)
Thomas Zurfluh, Psy.D, Licensed Counselor
2154 Broderick Street
San Francisco, CA 94115
415.789.8383
thomas.zurfluh.psyd@gmail.com

Employee and Family Assistance Program (Confidential: Staff and Faculty)
Middlebury’s Employee and Family Assistance Plan provides confidential counseling and referral services.

Administered by: e4Health; 1.800.828.6025
e4Health Log In:
Username: middlebury college
Password: guest

Community Human Services Counseling and Recovery: 831.658.3811

Legal Assistance (Confidential)
Free and Low Cost Legal Help
LawHelpCA.org (legal aid and self-help resources)
California Bar Association
415-538-2000
Ongoing Care
There’s no one correct way to care for yourself or others who have experienced trauma. Middlebury offers a variety of resources and options in the belief that survivors benefit from having many choices available to seek the support and resolution they need. Choose whichever options feel most helpful to you. There are many people on campus and in the greater community who care and can help you to find care for yourself.

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

Procedures for Institutional Disciplinary Action in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking

Middlebury is committed to providing a campus and workplace environment that is safe and secure for all students, staff, faculty and others who participate in Middlebury’s programs. Sexual misconduct (including sexual assault), domestic violence, dating violence, stalking, and related retaliation are strictly prohibited. Middlebury will take reasonable, prompt and appropriate action to respond to sexual misconduct (including sexual assault), domestic violence, dating violence and stalking where such conduct impacts or has the potential to impact the Middlebury program-based educational, residential, or employment environment of any member of the Middlebury community. Such action could include discipline for employees such as written reprimands, salary freezes (faculty) or termination of employment, or discipline for students such as probationary status, a letter of official discipline, suspension or expulsion from any or all programs in which the student is enrolled or participating. It could also entail non-disciplinary measures such as No Contact Orders and/or No Trespass Orders, training, and providing safety and support services to complainants and affected parties, as appropriate.

Factors to be considered in determining sanctions are listed below and in Section 10 (H) of, and Appendix F to, Middlebury’s Policy Against Sexual Misconduct, Domestic and Dating Violence and Misconduct, and Stalking (hereinafter referred to as the “SMDVS policy”).

As detailed in the SMDVS policy, Middlebury’s process will be completed within reasonably prompt timeframes designated by the institution’s policy, including a process that allows for the extension of timeframes for good cause and/or due to extenuating circumstances with written notice to the complainant and the respondent of the delay and the reason for the delay; it is conducted in a manner that is consistent with the institution’s policies and transparent to the complainant and respondent; it includes timely notice of meetings at which the complainant and respondent may be present; it provides timely and equal access to the complainant, the respondent, and appropriate officials to any information that may be used during the process; and is conducted by officials who do not have a conflict of interest or bias for or against the complainant or the respondent.

The following is a summary of Middlebury’s SMDVS process. For a complete recitation of the entire investigation and adjudication process please see Section 10 of Middlebury’s SMDVS Policy – Complaint Investigation and Resolution Procedures.
Middlebury’s process of addressing cases of alleged sexual misconduct (including sexual assault), dating violence, domestic violence, stalking, and related retaliation is designed to:

- Consider the complainant’s rights, the respondent’s rights, the community’s safety, and applicable laws and Middlebury policies;
- Provide a timely, fair, impartial, and equitable investigation and adjudication process with thoroughness and respect for all involved parties;
- Protect all parties’ privacy to the extent practical, while balancing the need to comply with applicable law, maintain campus safety, and provide a safe and nondiscriminatory environment for all students, faculty, staff and covered third parties; and
- Hold all individuals found to have violated Middlebury’s policies accountable for their actions and provide appropriate remedies to address the effects of sexual misconduct (including sexual assault), domestic violence, dating violence, stalking and/or related retaliation on the complainant and others.

Middlebury will conduct a prompt, fair and impartial process from the initial investigation to the final result. The complainant and respondent are entitled to the same opportunities to have an advisor of their choice accompany them to any meeting, interview or proceeding that they are attending regarding Middlebury’s investigation and adjudication process.

Please see the full text of Middlebury’s SMDVS Policy.

Please note the following definitions for the purposes of this Annual Security Report and Middlebury’s SMDVS policy, as applicable:

**Complainant**

Under the SMDVS policy, a complainant is usually an individual filing a complaint of a violation of Middlebury policies. In some cases (such as, e.g., cases in which a person involved in an incident of alleged sexual misconduct (including sexual assault), domestic or dating violence or misconduct, stalking, or related retaliation does not wish to participate in the process but Middlebury decides that the alleged misconduct needs to be investigated), Middlebury may pursue an investigation and adjudication under its SMDVS policy without a designated complainant. In these cases Middlebury may extend some or all of the rights of a complainant as defined in its SMDVS policy to affected parties as deemed appropriate by a Human Relations Officer or Judicial Affairs Officer, as applicable.

For ease of reference, the term “complainant” is also used throughout this Annual Security Report to refer generally to an alleged “victim” or “accuser” as referred to under the Clery Act and/or the Clery Handbook, and is also used generally in the SMDVS policy and herein to refer to an individual who was allegedly subjected to prohibited conduct as defined in Middlebury’s SMDVS policy.

**Respondent**

Under the SMDVS policy, a respondent is an individual whose alleged conduct (e.g., sexual assault, domestic violence, dating violence, stalking or related retaliation) is being investigated to determine if it is in violation of Middlebury’s policies. For ease of reference, the term "respondent" is also used throughout this Annual Security Report to refer generally to “the alleged perpetrator” or “the accused” as referred to under the Clery Act and/or the Clery Handbook, and is also used generally in the SMDVS policy and herein to refer to an individual who allegedly engaged in prohibited conduct as defined in Middlebury’s SMDVS policy.
Complaint Investigation and Adjudication Process

Middlebury’s complaint and adjudication process is outlined in detail in Middlebury’s SMDVS Policy (see Section 10 Complaint Investigation and Resolution Procedures. The process for addressing complaints of sexual assault, domestic and dating violence, stalking and related retaliation is summarized below; in the event of any differences between the summary below and the more detailed terms of the investigation and resolution procedures published in the online SMDVS policy, the more detailed terms of the online investigation and resolution procedures will prevail.

- Any Middlebury student, faculty member, staff member or covered third party who has reasonable cause to believe that sexual misconduct (including sexual assault), domestic or dating violence, stalking and/or related retaliation has occurred or is occurring should report this information to the immediate attention of any of the following individuals: a HRO; a JAO; and/or the Title IX Coordinator. Contact information can be found above or in Appendix B to Middlebury’s SMDVS policy.

- A complaint may be made verbally (in person, by phone, or videoconferencing) or in writing (via mail or email) and will ultimately need to be recorded in written form by the complainant or a member of the staff involved with the investigation.

- The HRO/JAO will promptly determine whether the report or complaint alleges conduct that may be prohibited by the SMDVS policy. The HRO/JAO or designee may gather additional information as appropriate before making this determination. During any such initial inquiry, all parties are bound by the confidentiality and cooperation provisions of this policy (see Section 10.E.7 and Section 16).

- Prior to an investigation or adjudication, the HRO/JAO, Title IX Coordinator and/or designee will consider the complainant’s request for confidentiality, if any, in accordance with Section 3 of the SMDVS policy. (See also How Middlebury Will Protect the Confidentiality of Victims, above).

- Requests for accommodations will be addressed in accordance with Section 6 of the SMDVS policy. See also Services and Accommodations, above.

- If it is determined that an investigation and adjudication should proceed under the policy, the HRO/JAO will provide a copy of this policy to the complainant and respondent, and will inform both parties in writing that Middlebury is investigating and adjudicating the possibility that the respondent may have committed sexual misconduct (including sexual assault), domestic or dating violence or misconduct, stalking and/or related retaliation. The parties will also be given notice of any additional possible policy violations being investigated and adjudicated in relation to the incident, and an investigator will be appointed to conduct an investigation that is appropriate under the circumstances, and is prompt, thorough, fair, equitable, objective and impartial. The investigator may consult with the HRO, and others as appropriate, on the strategic direction of the investigation and the preparation of investigation materials.

- A No Contact Order is normally issued to restrict contact and communication between the complainant and respondent for the duration of the investigation. When the totality of the circumstances suggest additional measures are appropriate, temporary removal of a student or employee from campus, a No Trespass Notice, or any other interim measures deemed necessary for the protection of the parties or third parties may be initiated by Middlebury at any time.
Middlebury may choose to discontinue an investigation at any time. The complainant may request that an investigation be discontinued at any time. Middlebury will attempt to honor the wishes of the complainant. However, to accommodate cases where compelling evidence suggests significant individual or community safety concerns, the decision to discontinue an investigation is within the sole discretion of Middlebury. Please see Section 3(D),(E), Confidentiality, for a review of the factors to be considered in determining whether to pursue an investigation. *Once the HRO/JAO decides to pursue an investigation and adjudication, the procedures set forth in the SMDVS policy will apply regardless of where the alleged incident occurred (e.g., on Middlebury-owned or controlled property or off Middlebury-owned or controlled property). Middlebury retains sole discretion in determining whether or not to exercise jurisdiction over off-campus conduct. See also Section 11, “Scope of Oversight (Students)” of the SMDVS policy.

If either party is concerned that an official involved in the investigation or adjudication (such as, for example, an investigator, JAO, or HRO) may be biased or have a conflict of interest, the party should share their concerns immediately. Concerns of this nature about the investigator should be shared with the JAO/HRO; concerns about the JAO or HRO should be shared with the Title IX coordinator; and concerns about the Title IX coordinator should be shared with the vice president for Human Resources and Risk. The official with whom the concern is shared will consider the concern and inform the parties of a decision as to whether any related action is appropriate and whether an alternate will be appointed. If an alternate investigator, HRO, JAO or Title IX Coordinator is appointed, the alternate shall have the same authority as the designated official.

Middlebury’s investigation and adjudication process does not require or permit the complainant and respondent to interact or communicate directly or indirectly with each other concerning the process or the matter under investigation at any time. The parties are therefore not permitted to question or cross-examine each other during the course of the investigation.

To the extent permitted by law, the complainant and respondent will be afforded the same rights and opportunities throughout the investigation and adjudication process, including the opportunity to recommend witnesses and submit evidence. However, investigation logistics, including but not limited to the sequence of interviews, the decision to interview particular witnesses, and the decision to allow or consider evidence offered by the parties, are within the discretion of the HRO and/or investigator.

Complainants and respondents are entitled to the same opportunities to have an advisor of their choice present at any interviews, meetings or proceedings that they are attending related to the investigation and adjudication process under this policy. The advisor may advise the complainant or respondent privately, but cannot act as a speaking advocate at a meeting. An investigator or other Middlebury representative may terminate meetings, remove or dismiss advisors, and/or proceed with the investigation or adjudication based on otherwise-available information if an advisor is disruptive or otherwise refuses to comply with the requirements of this policy.
• The complainant and respondent will be asked to identify, preserve and submit all evidence pertaining to the matter under investigation, and to identify witnesses they believe may have relevant testimony to share. The investigator is not required to consider the evidence submitted or interview any particular witness, even if identified by one of the parties. However, in determining whether to interview witnesses or review evidence, the investigator should consider such factors as equity, fairness, thoroughness, and impartial treatment of both parties.

• All participants in the investigation are expected to cooperate fully by providing complete, accurate, and truthful information. They may also be expected to sign statements or other documents memorializing the information they provided, and may be asked to keep the substance of the interview confidential. Failure to cooperate fully with the investigator may subject the individual to the full range of disciplinary actions, as applicable.

• To protect the integrity of the investigation, complainants, respondents, witnesses, affected parties and advisors shall not disclose any information discussed or revealed during the investigation while the investigation and adjudication process is still pending, other than to the investigator, JAO, HRO, and/or a confidential resource such as their mental health counselor or attorney (who also must not disclose such information), except if they reasonably believe that disclosing such information to a law enforcement agency is necessary to lessen or avoid a substantial and imminent risk of physical harm to any person, or they are otherwise required by law to do so. It is also critical that all involved parties and their advisors and supporters adhere to the retaliation prohibition included in this policy; see Section 4, Retaliation, for more information. Complainants and respondents are advised to discuss any questions or concerns they have about these issues with the JAO.

• After Middlebury's investigation and adjudication process has concluded, complainants, respondents, witnesses, affected parties and advisors are prohibited from disclosing, describing, or publishing any and all documents Middlebury provided during the investigative and/or adjudicative process, unless the disclosure is required or expressly permitted by law or applicable guidance. While this provision prohibits dissemination of Middlebury's investigation materials and information an individual learns from these materials, it does not prohibit the sharing of information about which individuals have independent knowledge as long as they do not engage in retaliation as defined by this policy or violate any other Middlebury policies.

• In accordance with applicable law and/or federal guidance, a complainant is not prohibited from sharing the results of a case involving a report of sexual assault, domestic violence, dating violence or stalking. The results of a case consist of the name of the respondent, any violation found to have been committed, and any sanction imposed against the respondent by Middlebury.

• All materials collected and generated in the course of an investigation are the property of Middlebury. Complainants, respondents, witnesses, affected parties and advisors may not record interviews or administrative meetings associated with the investigation and adjudication process.

• Formal rules of evidence applicable in court proceedings do not apply to the investigation and adjudication process.
• When the investigator determines that sufficient information has been collected to allow the investigator to make a recommended finding, the complainant and respondent may review the witness statements and evidentiary materials. Although each party may share access to the contents of the investigation materials with an advisor of choice, all parties and advisors must adhere to the confidentiality requirements in of the SMDVS policy.

• After reviewing the investigation materials, each party may have an individual meeting with the HRO, during which they will have a reasonable opportunity to comment on the content of the evidentiary materials. If either party wishes to submit new evidentiary material, they may do so prior to the HRO meeting. The meeting will be audio recorded, and the investigator may be present. The HRO meetings will normally be scheduled at least seven days after access to the initial evidentiary materials has been provided to the parties. The HRO has sole discretion to direct the parties to focus on relevant issues and/or limit redundancies, and to determine the overall length of the meeting.

• If it is deemed that any evidence has emerged at this stage that warrants further inquiry, the investigator will pursue additional investigation. Both parties will be provided with access to any new evidentiary materials collected or generated at this stage, including the transcriptions of the HRO meetings, prior to the official determination.

• Each party may submit one character reference letter no later than seven days from the day the parties have been provided with access to the initial investigation materials.

• After considering the parties’ responses to the evidentiary materials and their character references and completing any additional investigation deemed appropriate, the investigator will prepare a report for the HRO. The report will include the investigator’s recommended finding of whether the SMDVS policy (or other policies, as applicable) has/have been violated and the investigator’s rationale. The investigator’s recommendation will be based on the preponderance of evidence standard, i.e., whether it is more likely than not that the policy was violated. While the investigator may consult with the HRO and others as appropriate regarding the preparation of the report, the recommended findings are within the discretion of the investigator. The HRO will have access to all investigation materials, including character references.

• The JAO will provide both parties with access to the investigator’s report, and to any additional materials collected or generated after the initial investigation materials were shared with the parties, prior to the HRO’s issuance of a determination. Each party may submit a written response within seven days of receipt of access to these materials. The JAO/HRO may extend this deadline if warranted by the circumstances. Each party may request access to the other party’s written statement after both statements have been received by the JAO and the deadline has passed.

• If at any point prior to the issuance of an official determination new relevant evidence that will be used during the proceeding is identified, it will be shared with the complainant and respondent, who will have an opportunity to submit a written response within a time frame determined by the HRO/JAO. The written responses, if submitted, will be shared with and considered by the HRO prior to the HRO’s issuance of an official determination. The HRO may move forward with a determination or may direct the investigator to pursue an additional investigation and supplement their report. If the report is supplemented the parties will have access to the report and any additional evidence and will have an opportunity to submit a written response by a deadline established by the HRO/JAO.
Determination

- The HRO is responsible for making the determination of whether the SMDVS policy (or other policies, as applicable) has been violated. The HRO is not bound by the investigator’s report; rather, it is advisory to the HRO. The HRO may accept or reject the investigator’s recommended finding in whole or in part, and may request additional relevant information before making a determination. The HRO may consult with the investigator and/or other persons as determined appropriate in the discretion of the HRO. The HRO will avoid duplicating the efforts of the investigator, as well as accepting the investigator’s recommended finding without careful review of all of the evidence.

- After review of all of the evidence, the investigator’s report and recommended finding, and the parties written responses and character references, the HRO will issue a determination, in writing, as to whether allegations of sexual misconduct (including sexual assault), domestic violence, dating violence, stalking, related retaliation and/or any additional prohibited behaviors being investigated, are proven by a preponderance of the evidence. The HRO’s determination will be based on a preponderance of the evidence standard. The determination will contain an explanation for the rationale for the determination, including:
  - how the evidence and information presented during the investigation and adjudication process was weighed;
  - how the standard of evidence was applied; and
  - how the evidence and information support the determination.

- The complainant and respondent will be simultaneously informed, in writing,
  - of the HRO’s determination (that is, the result of the proceeding and the rationale);
  - of Middlebury’s procedures for complainants and respondents to appeal the HRO’s determination and/or actions imposed, if applicable;
  - of any change to the results of the disciplinary process that occurs prior to the time that such results become final; and
  - when such results become final.

- If the respondent is a faculty member, both parties will be notified of the HRO’s determination in writing, to the extent permitted by law. Both parties in Middlebury College faculty-respondent cases may appeal the finding at this point, based on the grounds and following the procedures described in Section 10(J), Appeals. For Middlebury College faculty members, the sanctioning process will remain in abeyance until any appeals of the HRO’s determination are complete.

Sanction

- If the HRO finds that the respondent engaged in behavior that violates this policy (or other Middlebury policies under investigation, as applicable), the JAO will, in accordance with sections applicable to staff, faculty and students, below, forward the case to the appropriate supervisory authority for the program at issue, who will assign a sanction or sanctions, and other actions as appropriate. See also the factors considered in the issuance of sanctions as articulated in Section (H), Sanction Interim Vice President for Academic Affairs & Dean of the Language Schools, Interim, Sanction of the SMDVS policy.
• If appeal rights exist, sanctions and other actions will go into effect at the expiration of the deadline for the submission of an appeal, if no appeal is submitted, or at the conclusion of the appeal process if applicable. If appeal rights do not exist, sanctions and other actions will go into effect immediately. This language does not preclude the possibility of emergency action as needed; please see Section 13, Emergency Withdrawal, Suspension or Expulsion.

• If the HRO finds that a staff member has engaged in conduct that violates this policy (or other Middlebury policies under investigation, if applicable), each party may submit to the JAO a Sanction Statement sharing any thoughts they would like to have considered in the determination of a sanction. The JAO will then provide the case materials, including the Sanction Statements, to the appropriate supervisory authority for the program at issue (e.g., the Middlebury College Human Resources Department and/or VPAA/Dean of Schools, and/or Dean of the Language Schools or designee, as appropriate). The JAO will also provide the Sanction Statements to the HRO, who after reviewing them will make a sanction recommendation to the appropriate supervisory authority. After review of the HRO’s recommendation, the supervisory authority will initiate procedures to determine and impose appropriate disciplinary action. Disciplinary sanctions for a finding of sexual assault, domestic or dating violence, stalking, or related retaliation may include written reprimands or termination of employment. Although sanctions for violations of the SMDVS policy can include any form of discipline as stated in this section, staff found to have committed sexual assault will most likely receive a sanction of termination of employment. Middlebury may also take other action as deemed appropriate under the circumstances (e.g., remedies applied to the respondent to address the needs of the complainant and/or the community, including but not limited to building restrictions, reassignment of work duties, training, modification of No Contact Orders to favor the complainant, and other actions to preserve the rights of the complainant and the community to a safe environment).

• If the HRO finds that a faculty member has engaged in conduct that violates this policy, or other Middlebury policies under investigation, if applicable (absent or following an appeal of that finding in accordance with Section 10 (G) 3 of the SMDVS policy, if an appeal was granted), each party may submit to the JAO a Sanction Statement sharing any thoughts they would like to have considered in the determination of a sanction. The JAO will then provide the case materials, including the Sanction Statements, to the appropriate supervisory authority for the program at issue (e.g., the Middlebury College VPAA/Dean of Faculty, the Middlebury Institute’s VPAA/Dean of the Institute, Interim Vice President for Academic Affairs & Dean of the Language Schools, Interim EVP/Provost or Interim Dean of International Programs). The JAO will also provide the Sanction Statements to the HRO, who after reviewing them will make a sanction recommendation to the appropriate supervisory authority. Sanctioning and appeals for faculty whose primary appointment is with the undergraduate college will follow the procedures for Middlebury College faculty, regardless of the program for which the individual was employed at the time of the incident.

• After review of the HRO’s recommendation, the supervisory authority will initiate procedures to determine and impose appropriate disciplinary action according to the procedures in existing Faculty Handbook policies and/or contracts, as applicable. Disciplinary sanctions for a finding of sexual assault, domestic or dating violence, stalking or related retaliation may include written reprimands, salary freeze, or termination of employment. Middlebury may also take other action as deemed appropriate under the circumstances (including but not limited to remedies applied to the respondent to address the needs of the complainant and/or the community, including but not limited to building restrictions, reassignment of classes or other work duties, training, modification of No Contact Orders to favor the complainant,
and other actions to preserve the rights of the complainant and the community to a safe environment).

• If the HRO finds that a student has engaged in conduct that violates this policy (or other Middlebury policies under investigation), each party may submit to the JAO a Sanction Statement sharing any thoughts they would like the appropriate authority to consider when assigning a sanction. The JAO will then provide the case materials, including the Sanction Statements, to the appropriate supervisory authority or authorities (e.g., Interim Vice President for Academic Affairs & Dean of the Language Schools, Interim Dean of International Programs, Interim Vice President for Student Affairs/Dean of the College, or designees, as appropriate). The JAO will also provide the Sanction Statements to the HRO, who after reviewing them will make a sanction recommendation to the appropriate supervisory authority or authorities. When multiple supervisory authorities are involved in assigning sanctions, they may collaborate with each other as appropriate.

• After a review of the HRO’s recommendation, the supervisory authority may impose disciplinary and/or other appropriate action. Prior conduct may be taken into account in the assignment of these actions.

• Detailed information about disciplinary sanctions and their correspondence with conduct prohibited under this policy, can be found below and in the SMDVS policy, Appendix F, Sanctions. For a finding of sexual assault, domestic or dating violence, stalking, or related retaliation, sanctions could include written reprimands, probationary status, letters of official discipline, suspension or expulsion from any or all Middlebury program(s) in which the student is enrolled or participating. Although sanctions for violation(s) of this policy can include any form of discipline as stated in this section, students found to have committed sexual assault will most likely receive a sanction of suspension or expulsion.

• Middlebury may also take other non-disciplinary action as deemed appropriate under the circumstances (e.g., remedies applied to the respondent to address the needs of the complainant, including but not limited to room changes, class changes, building restrictions, extracurricular activity restrictions, modification of No Contact Orders to favor the complainant, and other actions to preserve the rights of the complainant to a safe environment). Middlebury may also provide notice of the matter to the appropriate supervisory authority of any Middlebury program in which the respondent intends to participate, who may consider this information in determining the respondent’s admission to the program and/or other program participation parameters, as appropriate. Notification of a finding of responsibility, sanction, or other action under this policy may also be provided to the home institution of non-Middlebury undergraduate and graduate students or any other program in which the student is enrolled or to which the student is pursuing enrollment.

• If the conduct occurred during the course and scope of the student’s employment at Middlebury, the matter will be referred jointly to the Human Resources Department and the appropriate supervisory authority for the program at issue, as applicable, for disciplinary sanctions that may include written reprimands, or termination of employment, and/or written reprimands, probationary status, letters of official discipline, suspension, or expulsion from Middlebury, or other action as deemed appropriate under the circumstances. Additional non-disciplinary outcomes, such as training or extending and modifying mutual No Contact Orders, may also be imposed regardless of the finding.
• The complainant and respondent will be simultaneously informed, in writing, of (a) any disciplinary or other action arising out of an allegation of sexual misconduct (including sexual assault), domestic or dating violence, stalking, related retaliation or any other alleged policy violation that was investigated and adjudicated under this policy, and the rationale for the disciplinary and/or other action; (b) Middlebury’s procedures for complainants and respondents to appeal the HRO’s decision and/or discipline and/or actions imposed, if applicable; (c) any change to the results of a disciplinary process that occurs prior to the time that such results become final; and (d) when such results become final.

• In explaining the rationale for the result, the supervisory authority will indicate: (1) how the evidence and information presented during the investigation and adjudication process was weighed; (2) how the standard of evidence was applied; and (3) how the evidence and information support the sanction determination.

Sanctions for Students

**Sexual Assault (includes rape, fondling, incest and statutory rape)**

Possible sanctions: reprimand, probationary status, letter of official discipline, suspension or expulsion. In cases when a respondent is found responsible for committing sexual assault, suspension or expulsion is the likely outcome. If suspension (which ordinarily will not exceed one and one-half academic years) is assigned, its duration will be determined in part by complainant needs, and reinstatement or readmission criteria may include but are not limited to evidence of satisfactory progress by the respondent on relevant issues. The conditions of reinstatement or readmission will be communicated to both parties. If the respondent’s return will coincide with the complainant’s presence at Middlebury, additional accommodations for the complainant and/or conditions on the respondent to preserve the right of the complainant to a safe environment may be assigned, including but not limited to room assignment consideration, class changes, No Contact Order adjustments, and/or building or extracurricular activity restrictions.

**Domestic or Dating Violence, Stalking and Related Retaliation**

Possible sanctions: reprimand, probationary status, letter of official discipline, suspension or expulsion. If suspension (which ordinarily will not exceed one and one-half academic years) is assigned, its duration will be determined in part by complainant needs, and reinstatement or readmission criteria may include but are not limited to evidence of satisfactory progress by the respondent on the issues at hand. The conditions of reinstatement or readmission will be communicated to both parties. If the respondent’s return will coincide with the complainant’s presence at Middlebury, additional accommodations for the complainant and/or conditions on the respondent to preserve the right of the complainant to a safe environment may be assigned, including but not limited to room assignment consideration, class changes, No Contact Order adjustments, and/or building or extracurricular activity restrictions.

See also SMDVS Policy, Appendix F for a complete description of the sanctions applicable to students.

Sanctions for Staff

Possible sanctions for a staff member found to have committed sexual assault, domestic or dating violence, stalking or related retaliation may include written reprimands or termination of employment. Although sanctions for violation(s) of this policy can include any form of discipline as stated in this section, staff members found to have committed sexual assault will most likely receive a sanction of termination of employment. Middlebury may also take other action as deemed appropriate under the circumstances (e.g., remedies applied to the respondent to address the needs of the complainant and/or the community, including but not limited to building restrictions, reassignment of work duties, training,
modification of No Contact Orders to favor the complainant, and other actions to preserve the rights of
the complainant and the community to a safe environment).

See also SMDVS Policy, Appendix F for a complete description of the sanctions applicable to staff.

**Sanctions for Faculty**

Sanctions for faculty whose primary appointment is with the undergraduate college will follow the
procedures for Middlebury College faculty, regardless of the program for which the individual was
employed at the time of the incident. Disciplinary actions will be determined and assigned according to
the procedures in existing Faculty Handbook policies and/or other contracts or handbooks, as applicable
to the faculty member and/or program at issue. Possible disciplinary sanctions for faculty found to have
committed sexual assault, domestic or dating violence, stalking or related retaliation may include written
reprimands, salary freeze, or termination of employment. Middlebury may also take other action as
deemed appropriate under the circumstances (including but not limited to remedies applied to the
respondent to address the needs of the complainant, including but not limited to building restrictions,
reassignment of classes or other work duties, training, modification of No Contact Orders to address the
needs of the complainant and/or the community, and other actions to preserve the rights of the
complainant and/or the community to a safe environment).

See also SMDVS Policy, Appendix F for a complete description of the sanctions applicable to faculty.

**Appeals**

In cases where the respondent is a student or faculty member, the complainant and the respondent each
have the right to an appeal. Appeals are accepted on the basis of one or more of the following:

- discovery of significant new factual material not available to the HRO that could have
  affected the original result; however, prior omission of factual information that the appealing
  party knew or should reasonably have known about is not a ground for an appeal;

- procedural error where the error prevented fundamental fairness;

- abuse of discretion in the issuance of a sanction, meaning that the appropriate supervisory
  authority imposed a sanction significantly disproportionate to the offense.

For more information about the appeals process for students and faculty please see SMDVS Policy,
Section 10 (J), Appeals.

**Time Frames for the Investigation, Adjudication, and Determination of Sanctions**

Middlebury endeavors to limit the period from the commencement of an investigation through its
adjudication (determination issued by the HRO), exclusive of any appeal(s), to ninety (90) calendar days.
This time frame may be extended for good cause, which may exist if additional time is necessary to
ensure the integrity and completeness of the investigation, to comply with a request by external law
enforcement for temporary delay to gather evidence for a criminal investigation, to accommodate the
availability of witnesses, to account for Middlebury breaks or vacations, to account for complexities of a
case, including the number of witnesses and volume of information provided by the parties, or for other
legitimate reasons. Once the investigation and adjudication process is initiated under the SMDVS policy,
the parties will be given notice of the date and time of any related meetings, interviews or proceedings
that they may attend. While each party may have an advisor of choice, Middlebury will not permit
advisor scheduling to unreasonably delay or extend the investigation and/or adjudication process. The
JAO will notify the parties in writing of any extension of this time frame and the reason for such
extension. The JAO will also consider extension requests from the parties.
Appeals must be made within five days of receipt of the HRO’s determination in cases where the respondent has not been found responsible for a policy violation, or within five days of receipt of the decision regarding sanctions and/or other actions, if applicable. The JAO/HRO and/or Middlebury official hearing the appeal may extend this deadline if warranted by the circumstances. Absent extenuating circumstances, the Middlebury official will notify the complainant and respondent of the appeal decision simultaneously in writing within twenty business days of the appeal receipt deadline. For more information about the time frames applicable to appeals please see SMDVS Policy, Section 10.J. Appeals.

Absent extenuating circumstances, the appropriate supervisory authority or responsible official will issue a decision regarding discipline and/or other appropriate action (for example, in the case of a faculty respondent who is subject to the Middlebury College Faculty Handbook, initiation of a Misconduct Review), to the extent applicable, within 5 days after the deadline for submission of Sanction Statements by the parties, or within 5 days after completion of any appeals of the HRO’s original determination, as applicable (see “Appeals in Middlebury College Faculty-Respondent Cases”). In faculty or staff matters, this time period may be shorter or longer depending on the circumstances, including any contractual rights of the parties.

**Training of Individuals Conducting Investigations and Adjudications**

Individuals conducting investigations and adjudications under Middlebury’s SMDVS policy will receive training annually on issues related to sexual misconduct (including sexual assault), domestic violence, dating violence, stalking, and related retaliation and on how to conduct a prompt, fair, and impartial investigation and/or adjudication process that protects the safety of complainants and promotes accountability. The annual training is typically delivered in-person and includes, for example, investigatory techniques based on best practices, how to properly, fairly and thoroughly question parties and witnesses, Middlebury’s policy and procedures, and review of applicable laws and regulations. HROs, JAOS and the Title IX Coordinator also receive trainings beyond the annual live training described above.

**Written Notice of Rights and Options Provided To Students or Employees Who Report That They Have Been a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking**

When a student or employee reports to Middlebury that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student’s or employee’s rights and options, as described in this Annual Security Report and in applicable paragraphs of the Clery Act regulations. Specifically, in sum, students, faculty, staff or covered third parties who report that they have been a victim of domestic violence, dating violence, sexual assault or stalking, whether the offense occurred on or off campus, shall be provided with written notification of:

- Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for reported victims both on and off campus;

- Options for, available assistance with, and how to request, changes to academic, living, transportation and working situations or protective measures, if so requested by the victim and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus security or local law enforcement. Middlebury must make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus security or local law enforcement;
• Possible sanctions or protective measures that Middlebury may impose following a final determination under its SMDVS policy;

• The importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault or stalking or in obtaining an order of protection;

• Information about reporting to campus officials;

• Options to notify law enforcement (and the option not to) and to be assisted by Middlebury officials in doing so;

• The rights of reported victims, where applicable, and Middlebury’s responsibilities regarding orders of protection, No Contact Orders, No Trespass Notices, restraining orders, or similar lawful orders issued by a criminal, civil or tribal court;

• Information about how Middlebury will protect the confidentiality of reported victims in reference to publicly available recordkeeping (including Clery Act reporting and disclosures) and accommodations or protective measures;

• Information about Middlebury’s procedures for investigating and adjudicating complaints of sexual misconduct (including sexual assault), domestic violence, dating violence and stalking, including notification to the parties of the outcome.

Definitions: California State Law

CALIFORNIA

CONSENT “shall be defined to mean positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.

A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is an issue in a prosecution for rape, forcible acts of penetration, sodomy, or oral copulation.”

“Evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or birth control device, without additional evidence of consent, is not sufficient to constitute consent”

California Penal Code: Secs. 261.6 & 261.7. See also Secs. 286, 288, 288a & 289 (sodomy, lewd or lascivious acts, oral copulation/minors)

Sexual Assault (Rape, Abduction, Carnal Abuse of Children and Seduction):

California Penal Code Sec. 261

(a) RAPE is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

(1) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act... the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.
(2) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.

(3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.

(4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions:

(A) Was unconscious or asleep.

(B) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(5) Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.

(6) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(7) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(b) As used in this section, "duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.

(c) As used in this section, "menace" means any threat, declaration, or act which shows an intention to inflict an injury upon another.
Minors
Sec. 261.5
(a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a "minor" is a person under the age of 18 years and an "adult" is a person who is at least 18 years of age.

(b) Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor.

(c) Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(d) Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

(e) (1) Notwithstanding any other provision of this section, an adult who engages in an act of sexual intercourse with a minor in violation of this section may be liable for civil penalties in the following amounts:

   (A) An adult who engages in an act of unlawful sexual intercourse with a minor less than two years younger than the adult is liable for a civil penalty not to exceed two thousand dollars ($2,000).

   (B) An adult who engages in an act of unlawful sexual intercourse with a minor at least two years younger than the adult is liable for a civil penalty not to exceed five thousand dollars ($5,000).

   (C) An adult who engages in an act of unlawful sexual intercourse with a minor at least three years younger than the adult is liable for a civil penalty not to exceed ten thousand dollars ($10,000).

   (D) An adult over the age of 21 years who engages in an act of unlawful sexual intercourse with a minor under 16 years of age is liable for a civil penalty not to exceed twenty-five thousand dollars ($25,000).

Spouses
Sec. 262
(a) Rape of a person who is the spouse of the perpetrator is an act of sexual intercourse accomplished under any of the following circumstances:

   (1) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.

   (2) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known, by the accused.
(3) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:

(A) Was unconscious or asleep.
(B) Was not aware, knowing, perceiving, or cognizant that the act occurred.
(C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(4) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(5) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(b) As used in this section, "duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in apprising the existence of duress.

(c) As used in this section, "menace" means any threat, declaration, or act that shows an intention to inflict an injury upon another.

Crime of Rape
Sec. 263

The essential guilt of rape consists in the outrage to the person and feelings of the victim of the rape. *Any sexual penetration, however slight, is sufficient to complete the crime.*

California Penal Code Sec. 261 et al.

See also Secs. 286, 288 & 288a (sodomy, lewd or lascivious acts, oral copulation/minors) and California Penal Code Sec. 289 et. al. regarding sentencing for acts of sexual penetration when the act is accomplished against the victim’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person (see also the provisions regarding sexual penetration of a child). “Sexual penetration” is the act of causing the penetration, however slight, of the genital or anal opening of any person or causing another person to so penetrate the defendant’s or another’s person’s genital or anal opening for the purpose of sexual arousal, gratification, or abuse by any foreign object, substance, instrument, or device, or by an unknown object.”

“Sexual battery” is the touching of an intimate part of another person while the person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse. “Touches” means physical contact with another person, whether accomplished directly, through the clothing of the person
committing the offense, or through the clothing of the victim. “Intimate part” means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.

For a complete recitation of the sexual battery laws see California Penal Code: Sec. 243.4

**Domestic Violence:** Domestic violence means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. A “cohabitant” means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether people are cohabiting include, but are not limited to:

1. sexual relations between the parties while sharing the same living quarters;
2. sharing of income or expenses;
3. joint use or ownership of property;
4. whether the parties hold themselves out as spouses;
5. the continuity of the relationship; and
6. the length of the relationship.

See California Penal Code: Sec. 13700

“Abuse” means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another.

**Dating Violence:** Domestic violence includes abuse committed against a person with whom the accused is having or has had a dating or engagement relationship. A “dating relationship” means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement independent of financial considerations. See California Penal Code: Secs. 13700 & 243(f)(10)

**Stalking:** “Stalking” means willfully, maliciously, and repeatedly following or harassing another person and making a credible threat with the intent to place that person in reasonable fear for his or her safety or the safety of his or her immediate family.

“Harassing” means to engage in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.

“Course of conduct” means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of “course of conduct.”

“Credible threat” means a verbal or written threat, including that performed through an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to actually carry out the threat. The present incarceration of a person making the threat is not a bar to criminal prosecution. Constitutionally protected activity is not included within the meaning of “credible threat.”
“Electronic communication device” includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, and pagers.

See California Penal Code: Sec. 646.9

**Sex Offender Registry**

**Campus Sex Crime Prevention Act**

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

In 1947 California implemented a sex-offender-registration program to keep track of people convicted of certain sex crimes. California’s “Megan’s Law” was enacted in 1996 and it mandates that California Department of Justice to notify the public about sex offender registrants found to be posing a risk to public safety. This law provides the public with certain information on the whereabouts of sex offenders so that members of local communities may protect themselves and their children. (See About Megan’s Law)

Pursuant to Section 290 of the California Penal code, a sex offender, “for the rest of his or her life while residing in California, or while attending school or working in California... shall be required to register with the chief of police of the city in which he or she is residing, or the sheriff of the county if he or she is residing in an unincorporated area or city that has no police department ... within five working days of coming into, or changing his or her residence within, any city, county, or city and county, or campus in which he or she temporarily resides, and shall be required to register thereafter in accordance with the Act.”

Mills College requires all registered sex offenders to register with the Director of Public Safety.

Information on registered sex offenders is available through the Megan's Law website: [www.meganslaw.ca.gov/](http://www.meganslaw.ca.gov/) or through the Oakland Police Department, 455 7th Street, Oakland, CA 94607.

**Anti-Harassment/Discrimination Policy**

Middlebury is committed to maintaining a diverse and inclusive campus environment where bigotry and intolerance are unacceptable. Discrimination and harassment, including sexual harassment, and related retaliation, as defined by applicable law and the corresponding terms of this policy, are antithetical to Middlebury’s mission. Middlebury strictly prohibits conduct that constitutes unlawful discrimination and harassment, including sexual harassment, as well as related retaliation, as defined in its policy. Middlebury will take reasonable and appropriate remedial action to prevent unlawful discrimination, harassment, and related retaliation, eliminate any hostile environment, prevent its recurrence, and correct its discriminatory effects on the complainant and others, if applicable.

Except as otherwise specified herein, this Middlebury’s Anti-Harassment/Discrimination Policy applies to faculty, staff, and students, and applicants (for employment to Middlebury’s programs; hereinafter referred to as “applicants”) as well as to others who participate in Middlebury programs and activities, including the undergraduate college, the Language Schools, the School of the Environment, MiddCORE, Bread Loaf School of English, Bread Loaf Writers’ Conference, Middlebury C.V. Starr Schools Abroad, and the Middlebury Institute). Procedures for filing and resolving complaints of unlawful discrimination and harassment, including sexual harassment and related retaliation in such programs are set forth in the policy which is available at [http://www.middlebury.edu/about/handbook/policies-for-all/non-discrim-](http://www.middlebury.edu/about/handbook/policies-for-all/non-discrim-).
Middlebury does not discriminate on the basis of sex in its education programs and activities, and Title IX of the Education Amendments of 1972 as amended (“Title IX”), as well as applicable state law, requires that it not discriminate in such a manner. Prohibited sex discrimination includes sexual harassment and sexual misconduct (which includes sexual assault and sexual exploitation) as defined by Middlebury’s policies. Middlebury’s Compliance Officer/Title IX Coordinator is responsible for coordinating Middlebury’s efforts to comply with and carry out its responsibilities under Title IX (contact information is listed in Appendix A to Middlebury’s Anti-Harassment/Discrimination Policy). The Title IX Coordinator’s responsibilities include overseeing all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints. Inquiries concerning the application of Title IX may be referred to the Compliance Officer/Title IX Coordinator or to the United States Department of Education Office for Civil Rights (contact information is listed in Appendix A to Middlebury’s Anti-Harassment/Discrimination policy). See also Middlebury’s Nondiscrimination Statement.

Printed copies of these policies are also available upon request at a number of Middlebury offices/individuals, including Sasha Miyamoto, program directors, Interim Vice President for Academic Affairs and Dean of Language Schools, Title IX Coordinator/Compliance Officer, Human Relations Officers the appropriate supervisory authority for the applicable Middlebury program.

All members of the Middlebury community (faculty, staff, and students), and applicants have the right to pursue discrimination and harassment complaints, including sexual harassment and related retaliation, beyond Middlebury, utilizing local, state, or federal enforcement agencies, including local and state police agencies, as appropriate, regardless of whether they choose to file a complaint under this policy (see contact information in Appendix A to the Anti-Harassment/Discrimination Policy). The agencies listed in Appendix A, can conduct impartial investigations, and facilitate conciliation, and if an agency finds that there is probable cause or reasonable grounds to believe that unlawful harassment, discrimination, or retaliation has occurred, it may take the case to court.

There are certain time deadlines for the filing of complaints with state and federal agencies and/or state or federal court. Therefore, individuals who choose to pursue harassment, discrimination, or retaliation charges beyond Middlebury’s procedures should contact these agencies or their attorney for further assistance (see Appendix A to the Anti-Harassment/Discrimination Policy).

There are many resources available to individuals who are involved in some way with an incident of discrimination, retaliation, or harassment, including sexual harassment. Please see Appendix A & Appendix B to the Anti-Harassment/Discrimination Policy for contact information and resources.

Faculty, staff or students found to have violated Middlebury’s Anti-Harassment/Discrimination Policy may be subject to the full range of disciplinary actions, as applicable, up to and including termination of employment, suspension, or expulsion.
Alcohol and Drug Policy

Introduction

Middlebury is committed to promoting individual and community health, safety, and responsibility. We expect all students and employees to observe local, state, and federal laws governing the possession, use, and furnishing of alcoholic beverages and controlled substances, also referred to as illegal drugs, and failure to do so is prohibited. We have also committed to ensuring that, in accordance with the Drug-Free Schools and Community Act of 1989 and the Drug-Free Schools and Campuses Regulations, our policies concerning alcohol and drugs contain clear statements about:

1. the standards of conduct that clearly prohibit the unlawful possession, use, or distribution of illegal drugs and alcohol by students and employees;

2. that Middlebury will impose disciplinary sanctions on students and employees who violate these policies (consistent with local, state, and federal law);

3. the applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illegal drugs and alcohol; and
4. health risks and information regarding drug or alcohol counseling, treatment or rehabilitation, or reentry programs that are available to students and employees. When alcohol violations occur, disciplinary sanctions will be imposed in accordance with this policy. Serious incidents that put a student or others at risk of harm, as well as repeated offenses, may require a more vigorous response, including referral to counseling or a treatment facility, a leave of absence, and/or disciplinary outcomes as appropriate.

Therefore, Middlebury will:

a. Inform students and employees of federal, state, and local laws, and Middlebury policies, to which they are accountable, and hold them accountable to those policies under Middlebury’s governance;

b. Encourage an environment of enriching extracurricular and social opportunities that includes substance-free events and appropriate venues for students of legal age who choose to drink;

c. Educate members of the community through academic and student life programs and policies about the role of alcohol and drugs in our society, safe and responsible decisions around alcohol consumption, and the negative individual and community consequences of abuse; and

d. Where appropriate, provide educational and health services to students who choose to use alcohol or drugs, who experience negative consequences, or who violate the commitment to individual and community safety.

Middlebury Policies and Local, State, and Federal Law

All students, faculty, staff, and visitors are subject to local, state, and federal laws, as well as Middlebury drug and alcohol policy rules and regulations, while on Middlebury-owned or -leased properties or involved with off-campus activities sponsored by Middlebury or a registered Middlebury organization. Middlebury does not protect students or employees from prosecution for drug or alcohol offenses under local, state, or federal laws, and does not interfere with legitimate law enforcement activities. Law enforcement officers may have a legal right to search individuals, and with consent or proper documentation may search property—including Middlebury residence hall rooms—without prior notice. Middlebury also reserves the right to furnish the police with information regarding alleged illegal activities.

In order to preserve the safety of our residents, Middlebury adheres to policies that limit disciplinary consequences under certain circumstances when appropriate care is sought for individuals in drug- or alcohol-related distress. Please see the Good Samaritan Policy below for more information. Additionally, if student health and safety concerns resulting from a student’s use of alcohol and/or drugs arise, parents or guardians may be notified. See Health and Community Responsibility below for more information.

Alcohol

The following actions are prohibited:

a. Underage drinking. Only persons of legal age (21 or older in the United States, and as defined by the laws of a foreign host country) may possess or consume alcoholic beverages. Legal proof of age, such as a valid driver’s license, state-issued liquor identification card, or passport may be required.

b. Purchasing, serving, or furnishing alcohol for/to a minor.

c. Selling, manufacturing, or distributing alcohol illegally.

d. Possession, production, or provision of false ID.
e. Operating a motor vehicle while under the influence of alcohol or other drugs. Driving on or off campus under the influence of drugs or alcohol is prohibited. Fines are assessed, and driving privileges on campus will be suspended. Students who are charged by law enforcement officers with Driving Under the Influence (DUI) and are awaiting the court outcome shall have their campus driving privileges suspended pending the court disposition. In those incidents where the DUI involves an accident with injuries to others, or other exceptional factors, immediate disciplinary action may take place.

f. Violating party regulations. Party regulations may be found in the Office of the Dean of Students and the Department of Public Safety, and at go/party. Small, informal gatherings held in individual rooms, suites, and small houses occupied by students of legal age, at which alcoholic beverages are consumed, do not have to be registered. Residents of the living space will be treated as “party hosts,” and held responsible for the actions of individuals in attendance. Students are responsible for unregistered gatherings and related activities that occur in their rooms, whether or not they are present.

g. Bringing alcohol to a Middlebury event, or leaving a Middlebury event with alcoholic beverages provided at the event.

h. Possessing alcoholic beverages in unauthorized spaces. Open containers of alcohol are prohibited in public spaces, or outside on the campus grounds, unless the area has been designated for a registered or catered event. For purposes of this policy, residential hallways are normally considered private spaces. Students of legal age may transport open alcohol containers for personal use within residence halls, but the use of hallways for parties is prohibited. Individual Commons may designate certain spaces in residence halls as senior commons rooms; these spaces will be considered private.

i. Possession of alcohol in first-year residence halls.

j. Possession of kegs or common containers. Possession by students of kegs or common containers (e.g., punch bowls) without advance party registration with the appropriate office (see go/party) is prohibited. Unauthorized kegs or common containers will be confiscated along with taps, and the Department of Public Safety will return confiscated kegs and taps to the vendor.

k. Engaging in drinking games and other behaviors designed for the purpose of becoming intoxicated through the abusive use of alcohol (e.g., funnels, keg stands, “around-the-world” parties, and other alcohol consumption based on speed and/or volume, etc.).

l. Administering alcohol to individuals against their will and/or without their knowledge.

m. Repeated unsafe intoxication. Multiple instances involving assignment to a sober friend, and single or multiple instances involving alcohol/drug-related transport to the hospital and/or to detoxification facilities may also result in disciplinary action, consistent with the Good Samaritan policy (below).

Drugs

The following actions are prohibited:

a. Using or possessing illegal drugs or controlled substances, including but not limited to prescription medication without a properly issued prescription.

b. Misuse of legal substances to cause impairment/hallucination.

c. Possession of drug paraphernalia that has been used.
d. Growing, manufacturing, distributing, or selling illegal drugs or controlled substances, including prescription drugs, with or without the intent to distribute.

e. Administering drugs to individuals against their will and/or without their knowledge.

Disciplinary Sanctions: Students

Alcohol Citation System

Middlebury issues written alcohol citations to underage students found to be in possession of alcohol. The citation system allows Middlebury to gather data and respond to underage student alcohol possession as soon as it comes to our attention. A citation itself is not a disciplinary sanction, but receipt of one will result in a sanction and/or other health-related response as set forth below. Please see “Responses to Alcohol and Other Drugs Policy Violations” below for more information on what it means to receive a citation.

Responses to Alcohol and Other Drugs Policy Violations

Middlebury’s Alcohol and Other Drugs Policy is not only designed to adhere to local, state, and federal laws, but to preserve Middlebury’s Community Standards, listed below.

- Cultivating respect and responsibility for self, others, and our shared environment;
- Encouraging personal and intellectual courage and growth;
- Manifesting integrity and honesty in all decisions and actions;
- Promoting healthy, safe, and balanced lifestyles; and
- Fostering a diverse and inclusive community committed to civility, open-mindedness and finding common ground.

Student misuse and abuse of alcohol and other drugs, and/or failure to adhere to the laws and policies designed to support individual and community safety, can directly and indirectly jeopardize these standards. Middlebury’s response to these violations is therefore designed to support these standards by holding students accountable for their actions, including reflections of individual and community risk and impact, as appropriate; and providing resources to students to allow them to carefully consider their goals and actions and address their health-related needs.

The Sanctions chart provides a general outline of expected outcomes when alcohol and other drug violations occur, with the following important caveats:

1. The outcomes reflected in this chart assume that the policy indicated is the only policy violated in the incident of concern. Where more than one policy has been violated in an incident, or the student has a prior history of conduct violations, students may expect more severe outcomes.

2. Although this chart reflects the likely outcomes based on the receipt of alcohol citations, alcohol violations that did not include the issuance of citations may also result in these outcomes.

3. While discipline is cumulative at Middlebury, which may mean the assignment of greater sanctions for repeated or accumulated violations, it is not progressive. That is, depending on the severity of the violation, a student may receive any sanction, even for a first offense.

4. Because hard alcohol has been shown to correlate strongly with serious health risks, as well as negative impact on the community, the consequences for hard alcohol-related violations will normally begin at the second offense/citation level outlined below.
5. Outcomes may vary depending on the nature, severity, and impact, actual or potential, of any of the violations below and the student’s conduct and health history.

6. References below to referrals to the Judicial Affairs Officer (JAO) indicate that the matter will either be adjudicated through the Disposition Without Hearing (DWH) process or by the Community Judicial Board. For more information about these options, please see General Disciplinary Processes. If a violation of this policy is established through the DWH process or by the Community Judicial Board, sanctions will be imposed. The range of possible sanctions are listed in the General Disciplinary Processes under “Sanctions” and, depending on the severity of the conduct, may also include referral for prosecution (as determined by the state’s attorney or other appropriate officials) and/or the completion of an appropriate rehabilitation program.

7. Disciplinary sanctions for students enrolled in Middlebury programs other than the undergraduate program (e.g., Language Schools, Schools Abroad, Bread Loaf School of English, MiddCORE Summer program) will be issued in accordance with the disciplinary procedures applicable to the program in which the student is enrolled at the time of the incident. Sanctions may include warnings, reprimands, probationary status, a letter of official college discipline, suspension or expulsion (see also Sanctions). The disciplinary officials in those programs may, in their discretion, issue sanctions in accordance with the general outline of expected outcomes in the Sanctions chart referenced above (including educational outcomes).

Good Samaritan Policy

Middlebury’s Good Samaritan Policy is intended to encourage students to seek swift medical assistance for themselves and others without fear of penalty. Our primary concern is the health and safety of our students. We urge students not only to take care of their own well-being, but to behave in an equally responsible way with their peers.

There may be times when safety concerns arise from a student’s excessive drinking or drug use, and in these situations, students should not hesitate to seek help from the Student Life staff, Public Safety, medical or counseling professionals, and/or local or state police out of fear of disciplinary action. Under this Good Samaritan Policy, neither the student in distress nor the student or organization seeking assistance will ordinarily be subject to disciplinary action for the possession, provision, or consumption of drugs or alcohol.

This policy refers to isolated incidents only, and does not excuse or protect those who flagrantly or repeatedly violate the Alcohol and Other Drugs Policy, nor does it preclude disciplinary action arising from violations of other Middlebury policies. However, in cases involving additional policy violations, Middlebury will consider the positive impact of reporting an incident as well as the health and safety needs of the involved student(s) when determining the appropriate course of action.

This policy cannot protect students from action by law enforcement personnel, but it is consistent with a law enacted by Vermont in June 2013 that provides limited immunity from prosecution to a witness or victim of a drug or alcohol overdose who seeks medical assistance to save the life of an overdose victim. For more information about this act, please see 18 V.S.A. § 4254.
**Disciplinary Sanctions: Faculty and Staff**

Disciplinary sanctions for faculty and staff will be imposed under Middlebury’s established disciplinary practices and procedures for members of the faculty and staff. Disciplinary sanctions may include written warnings, written reprimands, completion of an appropriate rehabilitation program, termination of employment, and/or referral for prosecution (depending on the severity of the conduct). See also the following:

- Code of Conduct for Employees
- Employee Handbook (8.2 Progressive Discipline)
- Employee Handbook (9.3 Discharge)
- Faculty Misconduct

**Health and Community Responsibility**

Middlebury believes that alcohol and other drug-related problems affect our entire community and that each of us has a responsibility to help safeguard the community health by respecting policy and intervening in situations of abuse. Any member of the Middlebury community having knowledge of an individual on campus who is abusing alcohol or in possession of or using illegal drugs, or misusing legal substances to cause impairment/hallucination, is urged to encourage the individual to seek counseling and/or medical assistance. All members of the community are also expected to help protect the community health by informing appropriate Middlebury staff members of instances of alcohol and/or drug misuse, distribution, and/or sales.

Involvement with or dependency upon drugs or excessive or illegal use of alcohol is viewed by Middlebury as a health concern as well as a disciplinary matter. Any time a dean or appropriate supervisory authority has reasonable concerns that a student’s health is being compromised by alcohol or other drug use (even in cases where no concrete evidence or direct witness is involved), an educational and/or preventative response, such as a group class, online course, BASICs course, substance use assessment, or other appropriate course of action may be required. In addition, the dean or appropriate supervisory authority may notify the student’s parents or guardian of concerns about the student’s drug or alcohol use.

**Laws and Resources**

For information specific to state and federal laws governing the use, possession, and distribution of drugs and alcohol, as well as additional counseling and treatment resources and information related to health risks associated with the use of illegal drugs and the abuse of alcohol, see .

Please see the full text of Middlebury’s Alcohol and Other Drugs Policy.

**Middlebury’s Annual Drug-Free Schools and Communities Act Notice (Excerpts Applicable to Middlebury at Mills)**

The Drug-Free Schools and Communities Act of 1989 requires that Middlebury College (“Middlebury”) annually notify all students, faculty, and staff of the following:

- Middlebury’s standards of conduct, which prohibit the unlawful possession, use, or distribution of illegal drugs and alcohol by students and employees on Middlebury property or in connection with any activities or programs sponsored by Middlebury.

- A description of Middlebury’s disciplinary sanctions that will be imposed on students and employees for the unlawful possession, use, or distribution of illegal drugs and alcohol, up to and including expulsion or termination of employment.
- A description of applicable sanctions under federal, state, and local law for the unlawful possession, use, or distribution of illegal drugs and alcohol.

- A description of the health risks associated with the use of illegal drugs and the abuse of alcohol.

- A description of any drug or alcohol counseling, treatment, rehabilitation, or re-entry programs that are available to employees or students.

**Middlebury’s Alcohol and Drug Policies**

Middlebury’s Alcohol and Other Drugs Policy applies to students and employees, and contains the required information regarding Middlebury’s standards of conduct and disciplinary sanctions regarding the unlawful possession, use, or distribution of illicit drugs and alcohol. The list of sanctions in the policy applicable to students is in the section titled Disciplinary Sanctions for Students. Sanction information for employees is in Disciplinary Sanctions for Faculty and Staff and discipline will be handled in accordance with the Middlebury’s existing disciplinary procedures applicable to faculty and staff.

Please see the full text of Middlebury’s Drug Free Schools and Communities Act Notice.

Printed copies of Middlebury's Alcohol and Other Drugs Policies (referenced above) are available upon request from the appropriate program contact:

**Middlebury’s Vermont-Based Program Contacts**

**Department of Public Safety, Middlebury, VT**

802.443.5911

*Baishakhi Taylor, Interim Vice President for Student Affairs/Dean of Students*

802.443.5575
taylord@middlebury.edu

*Barbara McCall, Director of Health and Wellness*

802.443.5361
bmc-call@middlebury.edu

**Middlebury Language Schools**

*Jeffrey W. Cason, Interim Executive Vice President and Provost*

802.443.5404
cason@middlebury.edu

*Stephen B. Snyder, interim Vice President for Academic Affairs/Dean of Language Schools*

802.443.5979
ssnyder@middlebury.edu

*Elizabeth Karnes Keefe, Associate Dean of Language Schools*

802.443.5685
karnes@middlebury.edu

**Middlebury at Mills College**

*Sasha Miyamoto*

510.430.2285
smiyamoto@middlebury.edu
Federal and State Laws

All students, faculty, staff, and visitors are subject to local, state and federal laws, as well as Middlebury drug and alcohol policy rules and regulations, while on Middlebury-owned or leased properties or while involved with off-campus activities sponsored by Middlebury or a registered Middlebury organization. Middlebury does not protect individuals from prosecution for drug or alcohol offenses under local, state, or federal laws, and does not interfere with legitimate law enforcement activities. Law enforcement officers, when in possession of the proper documents, have a legal right to search individuals and property without prior notice. Middlebury also reserves the right to furnish the police with information regarding alleged illegal activities.

Federal, state, and local laws pertaining to the illegal manufacture, possession, distribution and use of drugs and alcohol are summarized below. The information herein regarding Federal, state, and local drug and alcohol laws does not constitute legal advice and should not be relied upon as such. Please consult your attorney if you have any questions. In addition, this section is intended to be a summary of certain drug and alcohol laws only. Such laws may change from time to time; as such, you should access the statutes directly or consult your attorney to obtain the most up to date and accurate information.

A. Federal Law

Penalties for Simple Possession

<table>
<thead>
<tr>
<th>Table 4. Simple Possession Penalties</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FIRST OFFENSE</strong></td>
</tr>
<tr>
<td>May be sentenced for up to 1 yr. in prison; shall be fined $1,000, or both.</td>
</tr>
</tbody>
</table>

21 U.S.C. §844

Criminal Forfeitures (21 U.S.C. § 853)

Any person convicted of a federal drug crime punishable by imprisonment for more than 1 year shall forfeit to the United States, irrespective of any provision of State law—

(1) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation;

(2) any of the person’s property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation; and...
(3) in the case of a person convicted of engaging in a continuing criminal enterprise in violation of section 848 of this title, the person shall forfeit, in addition to any property described in paragraph (1) or (2), any of his interest in, claims against, and property or contractual rights affording a source of control over, the continuing criminal enterprise.


Convictions for federal or state offenses consisting of the distribution of controlled substances: Ineligible for any and all federal benefits for up to 5 years after a first conviction, up to 10 years after a second conviction, and permanent ineligibility for all federal benefits after a third or subsequent conviction.

Convictions for federal or state offenses related to possession of controlled substances: Ineligible for any and all federal benefits for up to 1 year, and/or drug treatment program and/or community service (first conviction); up to 5 years (second or subsequent conviction(s)), and or drug treatment program and/or community service.

**Federal Trafficking Penalties Schedule (21 U.S.C. § 841)**

<table>
<thead>
<tr>
<th>Schedule</th>
<th>Substance/Qty.</th>
<th>Penalty</th>
<th>Substance/Qty.</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>II</td>
<td>Cocaine 500-4999 grams mixture</td>
<td>First Offense: Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than $5 million if an individual, $25 million if not an individual.</td>
<td>Cocaine 5 kilograms or more mixture</td>
<td>First Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than $10 million if an individual, $50 million if not an individual.</td>
</tr>
<tr>
<td>II</td>
<td>Cocaine Base 28-279 grams mixture</td>
<td>Second Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than $8 million if an individual, $50 million if not an individual.</td>
<td>Cocaine Base 280 grams or more mixture</td>
<td></td>
</tr>
<tr>
<td>II</td>
<td>Fentanyl 40-399 grams mixture</td>
<td>Second Offense: Not less than 20 yrs, and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than $20 million if an individual, $75 million if not an individual.</td>
<td>Fentanyl 400 grams or more mixture</td>
<td></td>
</tr>
<tr>
<td>I</td>
<td>Fentanyl Analogue 10-99 grams mixture</td>
<td></td>
<td>Fentanyl Analogue 100 grams or more mixture</td>
<td></td>
</tr>
<tr>
<td>I</td>
<td>Heroin 100-999 grams mixture</td>
<td></td>
<td>Heroin 1 kilogram or more mixture</td>
<td></td>
</tr>
<tr>
<td>I</td>
<td>LSD 1-9 grams mixture</td>
<td></td>
<td>LSD 10 grams or more mixture</td>
<td></td>
</tr>
<tr>
<td>II</td>
<td>Methamphetamine 5-49 grams pure or 50-499 grams mixture</td>
<td></td>
<td>Methamphetamine 50 grams or more pure or 500 grams or more mixture</td>
<td></td>
</tr>
</tbody>
</table>
### Table 5. Federal Trafficking Penalties (Continued)

#### Federal Trafficking Penalties for Schedules I, II, III, IV, and V (Except Marijuana)

<table>
<thead>
<tr>
<th>Schedule</th>
<th>Substance/Qty.</th>
<th>Penalty</th>
<th>Substance/Qty.</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>II</td>
<td>PCP</td>
<td></td>
<td>PCP</td>
<td></td>
</tr>
<tr>
<td></td>
<td>10-99 grams pure or 100-999 grams mixture</td>
<td></td>
<td>100 grams or more pure or 1 kilogram or more mixture</td>
<td></td>
</tr>
</tbody>
</table>

#### Federal Trafficking Penalties for Schedules I, II, III, IV, and V (Except Marijuana)

<table>
<thead>
<tr>
<th>Substance/Quantity</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any Amount of Other Schedule I &amp; II Substances</td>
<td><strong>First Offense:</strong> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine $1 million if an individual, $5 million if not an individual.</td>
</tr>
<tr>
<td>Any Drug Product Containing Gamma Hydroxybutyric Acid</td>
<td><strong>Second Offense:</strong> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine $2 million if an individual, $10 million if not an individual.</td>
</tr>
<tr>
<td>Flunitrazepam (Schedule IV) 1 Gram or less</td>
<td><strong>First Offense:</strong> Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than $500,000 if an individual, $2.5 million if not an individual.</td>
</tr>
<tr>
<td></td>
<td><strong>Second Offense:</strong> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than $1 million if an individual, $5 million if not an individual.</td>
</tr>
<tr>
<td>Any Amount of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)</td>
<td><strong>First Offense:</strong> Not more than 5 yrs. Fine not more than $250,000 if an individual, $1 million if not an individual.</td>
</tr>
<tr>
<td></td>
<td><strong>Second Offense:</strong> Not more than 10 yrs. Fine not more than $500,000 if an individual, $2 million if other than an individual.</td>
</tr>
<tr>
<td>Any Amount of All Schedule V Drugs</td>
<td><strong>First Offense:</strong> Not more than 1 yr. Fine not more than $100,000 if an individual, $250,000 if not an individual.</td>
</tr>
<tr>
<td></td>
<td><strong>Second Offense:</strong> Not more than 4 yrs. Fine not more than $200,000 if an individual, $500,000 if not an individual.</td>
</tr>
</tbody>
</table>

#### Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances

| Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants | **First Offense:** Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than $10 million if an individual, $50 million if other than an individual. |
| | **Second Offense:** Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than $20 million if an individual, $75 million if other than an individual. |
| Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants | **First Offense:** Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than $5 million if an individual, $25 million if other than an individual. |
| | **Second Offense:** Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than $20 million if an individual, $75 million if other than an individual. |
Distribution or Manufacturing in or Near Schools: (21 U.S.C. § 860)

Any person convicted of distributing, possessing with intent to distribute, or manufacturing a controlled substance in or on, or within one thousand feet of, the real property comprising a private college is subject to twice the maximum punishment (including imprisonment and fines) and at least twice any term of supervised release as the standard penalties for the same offense, with a mandatory term of imprisonment of not less than one year. These mandatory minimum sentencing provisions shall not apply to offenses involving 5 grams or less of marijuana. There are additional penalties for two or more offenses.

For additional information regarding penalties for drug-related offenses, see the full text of 21 U.S.C. Sec. 841.

### Table 5. Federal Trafficking Penalties (Continued)

<table>
<thead>
<tr>
<th>SUBSTANCE/QUANTITY</th>
<th>PENALTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana</td>
<td>First Offense: Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine $1 million if an individual, $5 million if other than an individual.</td>
</tr>
<tr>
<td>50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants</td>
<td>Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine $2 million if an individual, $10 million if other than an individual.</td>
</tr>
<tr>
<td>Hashish</td>
<td>First Offense: Not more than 5 yrs. Fine not more than $250,000, $1 million if other than an individual.</td>
</tr>
<tr>
<td>More than 10 kilograms</td>
<td>Second Offense: Not more than 10 yrs. Fine $500,000 if an individual, $2 million if other than individual.</td>
</tr>
<tr>
<td>Hashish Oil</td>
<td></td>
</tr>
<tr>
<td>More than 1 kilogram</td>
<td></td>
</tr>
<tr>
<td>Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)</td>
<td>First Offense: Not more than 5 yrs. Fine not more than $250,000, $1 million if other than an individual.</td>
</tr>
<tr>
<td>1 to 49 marijuana plants</td>
<td>Second Offense: Not more than 10 yrs. Fine $500,000 if an individual, $2 million if other than individual.</td>
</tr>
<tr>
<td>Hashish</td>
<td></td>
</tr>
<tr>
<td>10 kilograms or less</td>
<td></td>
</tr>
<tr>
<td>Hashish Oil</td>
<td></td>
</tr>
<tr>
<td>1 kilogram or less</td>
<td></td>
</tr>
</tbody>
</table>

**B. California Law**

**Illegal Drugs**

Penalties may vary depending on the circumstances/aggravating factors. Other penalties (not listed below) may also apply (e.g., court diversion and probation). Please check the statutes directly for additional information). See also the full text of California’s Controlled Substances Act.

Under a new California Law adults age 21 and over may use marijuana in small amounts (see table below). It is illegal for individuals under 21 to use or possess marijuana. Please note that it is still a violation of federal law for all individuals, regardless age, to possess marijuana and it is also a violation...
of the Middlebury's Institute's drug policy. A conviction for a drug offense under federal law may result in the loss of federal financial aid.

**Table 6. Penalties for Possession or Sale of Illegal Drugs**

<table>
<thead>
<tr>
<th>OFFENSE</th>
<th>FINE/DRUG EDUCATION/PRISON</th>
<th>CALIFORNIA HEALTH AND SAFETY CODE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana Possession Under Age 21</td>
<td>Drug education, counseling, community service, fines or prison depending on the amount possessed, the age of the guilty persons, and the number of offenses.</td>
<td>11357 (See Section 11357.5 for information regarding selling, dispensing, furnishing, administering or giving synthetic cannabinoid compound or synthetic cannabinoid compound derivative).</td>
</tr>
<tr>
<td>Marijuana Cultivation By Persons Under Age 21 (growing up to 6 marijuana plants within a private home is legal under state law for individuals 21 or older)</td>
<td>Drug education, counseling, community service, fines or prison depending on the amount, the age of the person, and/or the number of offenses.</td>
<td>11358.</td>
</tr>
<tr>
<td>Possession of Marijuana for Sale</td>
<td>Drug education, counseling, community service, fines or prison may be imposed depending on the age of the person, and/or the number of offenses or other circumstances.</td>
<td>11359.</td>
</tr>
<tr>
<td>Transportation or Sale or Furnishing of Marijuana</td>
<td>Drug education, counseling, community service, fines or prison may be imposed depending on the age of the person, and/or the number of offenses or other circumstances. Transporting or giving away less than 28.5 grams: Up to $100 fine.</td>
<td>11360</td>
</tr>
<tr>
<td>Hiring/Employing/Using Minors to Transport, Sell or Furnish, or Selling or Furnishing Marijuana to Minors</td>
<td>Hiring a minor to transport or selling or furnishing to a minor or giving to a minor under 14: Prison for 3, 5, or 7 yrs. Furnishing to a minor over 14: Prison for 3, 4, or 5 yrs.</td>
<td>11361</td>
</tr>
<tr>
<td>Illegal Possession of Controlled Substances</td>
<td>Prison up to 1 yr. If convicted as a felony, prison term can be 16 mos., or 2 or 3 yrs.</td>
<td>11350</td>
</tr>
<tr>
<td>Illegal Possession for Sale of Controlled Substances</td>
<td>Prison: 2, 3, or 4 yrs.</td>
<td>11351</td>
</tr>
<tr>
<td>Illegal Sale and Transportation of Controlled Substances</td>
<td>Prison: 3, 4, or 5 yrs. State prison for 3, 6, or 9 yrs. if transported from one county to a noncontiguous county.</td>
<td>11352</td>
</tr>
</tbody>
</table>
Table 6. Penalties for Possession or Sale of Illegal Drugs (Continued)

<table>
<thead>
<tr>
<th>OFFENSE</th>
<th>FINE/DRUG EDUCATION/PRISON</th>
<th>CALIFORNIA HEALTH AND SAFETY CODE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illegal Manufacture of Controlled Substances</td>
<td>Prison: 3, 5, or 7 yrs. Maximum fine: $50,000.</td>
<td>11379.6</td>
</tr>
<tr>
<td>Possession of Methamphetamine and Certain Other Specified Substances</td>
<td>Prison: Up to 1 yr.; or Prison: 16 mos., or 2 or 3 yrs.</td>
<td>11377</td>
</tr>
<tr>
<td></td>
<td>Involving minors: Prison for 3, 6, or 9 years.</td>
<td>11380</td>
</tr>
<tr>
<td>Possession for Sale of Methamphetamine and Certain Other Specified</td>
<td>Prison: 16 mos. or 2 or 3 yrs.</td>
<td>11378</td>
</tr>
<tr>
<td>Substances for Sale</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sale, Transport, Furnishing of Methamphetamine and Certain Other</td>
<td>Prison: 2, 3, or 4 yrs. Transportation from one county to another county: prison term of 3, 6, or 9 yrs.</td>
<td>11379</td>
</tr>
<tr>
<td>Substances</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Illegal Possession with Intent to Manufacture PCP/Meth.</td>
<td>Prison: 2, 4 or 6 yrs.</td>
<td>11383</td>
</tr>
</tbody>
</table>

Alcohol

Possession, Sale, Falsification of Age (Minors)

Penalties may vary depending on the circumstances/aggravating factors. Other penalties (not listed below) may also apply (e.g., court diversion and probation). Please check the statutes directly for additional information). See also the full text of California’s Business and Professions Code, Division 9, Alcoholic Beverages.

Table 7. Penalties for Procurement, Possession, or Consumption of Alcohol by a Minor

<table>
<thead>
<tr>
<th>OFFENSE</th>
<th>FINES/PRISON</th>
<th>COMMUNITY SERVICE/EDUCATION</th>
<th>CALIFORNIA BUSINESS AND PROFESSIONS CODE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sale/ Furnishing to Minor*</td>
<td>Fine: $1,000</td>
<td>At least 24 hours</td>
<td>25658</td>
</tr>
<tr>
<td>Sale/ Furnishing to Minor with Injury or Death</td>
<td>Prison: 6mos.-1 yr. and/or fine of $1,000</td>
<td></td>
<td>25658</td>
</tr>
<tr>
<td>Resulting*</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchase/ Consumption by Minor*</td>
<td>Fine: $250 and/or community service; increased fines for subsequent offenses</td>
<td>24-32 hours; additional hours for subsequent offenses 25658</td>
<td></td>
</tr>
<tr>
<td>Attested Purchase by Minor*</td>
<td>Fine: $250 and/or community service; increased fines for subsequent offenses</td>
<td>24-32 hours; additional hours for subsequent offenses 25661</td>
<td></td>
</tr>
<tr>
<td>Possession by Minor in a Public Place*</td>
<td>Fine: $250 or community service; increased fines for subsequent offenses</td>
<td>24-32 hours; additional hours for subsequent offenses 25662</td>
<td></td>
</tr>
</tbody>
</table>

* Other penalties may apply, including those under the penal codes (e.g. license suspension)
Driving Under the Influence of Alcohol or Drugs

California Vehicle Code Section 23152-23229.1
California Vehicle Code Section 23536-23552
California Vehicle Code Section 13350-13559
California Vehicle Code Section 23592-23597

It is unlawful for:

- a person who is under the influence of any alcoholic beverage to drive a vehicle
- a person who has 0.08 percent or more, by weight, of alcohol in their blood to drive a vehicle
- a person who has 0.04 percent or more, by weight, of alcohol in their blood to drive a commercial motor vehicle
- a person who is addicted to the use of any drug to drive a vehicle (except a person who is participating in an approved narcotic treatment program)
- a person who is under the influence of any drug to drive a vehicle
- a person who is under the combined influence of any alcoholic beverage and drug to drive a vehicle.

With respect to DUI offenses under California law, penalties may vary depending on the circumstances/aggravating factors. Penalties may include fines, imprisonment, license suspension, mandatory alcohol or drug education, driver’s license restrictions, vehicle impoundment, vehicle sale, installation of interlock devices, and enhanced mandatory minimum penalties for multiple offenses. The following is a summary of certain penalties for various offenses.

Table 7. Penalties for Driving Under the Influence of Alcohol

<table>
<thead>
<tr>
<th>OFFENSE</th>
<th>FINES/PRISON</th>
<th>COMMUNITY SERVICE/EDUCATION</th>
<th>CALIFORNIA BUSINESS AND PROFESSIONS CODE</th>
</tr>
</thead>
<tbody>
<tr>
<td>False Identification*</td>
<td>Fine: $250 and/or community service; increased fines for additional offenses</td>
<td>24-32 hours; additional hours for subsequent offenses.</td>
<td>25661</td>
</tr>
</tbody>
</table>

* Other penalties may apply, including those under the penal codes (e.g. license suspension)

Table 8. Penalties for Driving Under the Influence of Alcohol

<table>
<thead>
<tr>
<th>OFFENSE</th>
<th>FINE/PRISON</th>
<th>EDUCATION PROGRAM</th>
<th>LICENSE SUSPENSION</th>
<th>VEHICLE IMPOUNDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Offense</td>
<td>Fine: $390-$1,000 Prison: 96 hrs.-6 mos.</td>
<td>Required</td>
<td>6 mos.</td>
<td>Vehicle may be impounded for up to 6 mos.</td>
</tr>
<tr>
<td>Second Offense</td>
<td>Fine: $390-$1,000 Prison: 90 days-1 yr.</td>
<td>Required</td>
<td>2 yrs.</td>
<td>Vehicle will be impounded for 1-30 days if second offense occurred within 5 years of first offense</td>
</tr>
</tbody>
</table>
Information and Resources

The use of illicit drugs and the unlawful possession and use of alcohol is wrong and potentially harmful. Abuse of alcohol and drugs can have a dramatic impact on professional, academic, and family life. We therefore encourage staff, faculty, and students experiencing difficulty with drugs or alcohol to contact one of the many resources available on or off campus. It is important that all members of our community know where help is available for those who need it. Resources and information regarding health risks and resources are available below.

Health Risks Associated with Alcohol

According to the Center for Disease Control (CDC):

“Drinking too much can harm your health. Excessive alcohol use led to approximately 88,000 deaths and 2.5 million years of potential life lost (YPLL) each year in the United States from 2006 – 2010, shortening the lives of those who died by an average of 30 years. Further, excessive drinking was responsible for 1 in 10 deaths among working-age adults aged 20-64 years. The economic costs of excessive alcohol consumption in 2010 were estimated at $249 billion, or $2.05 a drink.”

CDC Fact Sheets: Alcohol Use and Your Health
The Standard Measure of Alcohol

In the United States, a standard drink is any drink that contains 0.6 ounces (14.0 grams or 1.2 tablespoons) of pure alcohol. Generally, this amount of pure alcohol is found in

- 12-ounces of regular beer or wine cooler.
  - 8-ounces of malt liquor.
  - 5-ounces of wine.
- 1.5-ounces of 80-proof distilled spirits or liquor (e.g., gin, rum, vodka, whiskey).
What is Excessive Drinking?

Excessive drinking includes binge drinking, heavy drinking, and any drinking by pregnant women or people younger than 21.

- Binge drinking
  - For women, 4 or more drinks during a single occasion.
  - For men, 5 or more drinks during a single occasion.
- Heavy drinking
  - For women, 8 or more drinks per week
  - For men, 15 or more drinks per week

According to the Dietary Guidelines for Americans, if you drink alcoholic beverages, do so in moderation, which is defined as no more than 1 drink per day for women and up to 2 drinks per day for men. However, there are some persons who should not drink any alcohol, including those who are:

- Pregnant or may be pregnant.
- Taking certain prescription or over-the-counter medications that can interact with alcohol.
- Younger than age 21.
- Recovering from alcoholism or are unable to control the amount they drink.
- Suffering from certain medical conditions.
- Driving, planning to drive, or participating in other activities requiring skill, coordination, and alertness.

By adhering to the Dietary Guidelines, people can reduce the risk of harm to themselves and others.

Short-Term Health Risks

Excessive alcohol use has immediate effects that increase the risk of many harmful health conditions. These are most often the result of binge drinking and include the following—

- Injuries, such as motor vehicle crashes, falls, drownings, and burns.
- Violence, including homicide, suicide, sexual assault, and intimate partner violence.
- Alcohol poisoning, a medical emergency that results from high blood alcohol levels.
- Risky sexual behaviors, including unprotected sex or sex with multiple partners. These behaviors can result in unintended pregnancy or sexually transmitted diseases, including Human Immunodeficiency Virus (HIV).
- Miscarriage and stillbirth or fetal alcohol spectrum disorders (FASDs) among pregnant women.
**Long-Term Health Risks**

Over time, excessive alcohol use can lead to the development of chronic diseases, neurological impairments and social problems. These include but are not limited to:

- High blood pressure, heart disease, stroke, liver disease, and digestive problems.
- Cancer of the breast, mouth, throat, esophagus, liver, and colon.
- Learning and memory problems, including dementia and poor school performance.
- Mental health problems, including depression and anxiety.
- Social problems, including lost productivity, family problems, and unemployment.
- Alcohol dependence, or alcoholism.

*Source: CDC Fact Sheets: Alcohol Use and Your Health*

**See also:**

- [CDC: Alcohol and Public Health](#)
- [Rethinking Drinking](#)
- [Blood Alcohol Concentration](#)

**Determining how, when, and how much alcohol to drink can be difficult for many individuals who are faced with social pressure, limited information about alcohol use, and often a lack of prior experience. It is important to know that there a point at which what are often considered some of the desirable effects of alcohol (e.g. a sense of euphoria, increased social confidence, lowered inhibitions) diminish and undesirable effects (e.g. nausea, loss of motor control, depressed feelings) increase.**

Understanding blood alcohol content (BAC) is helpful in determining where the plateau of desirable effects might be for individuals. BAC is estimated using a person's weight, sex, the number of standard drinks consumed (see the guide below for measuring standard drinks), and the time during which those drinks were consumed. BAC estimations do not account for an individual's metabolic rate or tolerance for alcohol. Remember that a standard drink for BAC calculation purposes may be different than what individuals may consider a typical amount of alcohol to consume.

**Standard Drinks. A Teaching Tool**

**BAC Calculator**

**Health Risks Associated with Drugs:**

According to the United States Drug Enforcement Agency:

“You hear about drugs on TV and in the movies, on the radio, in books and magazines, on the Internet, and in daily conversation with friends and peers. Some of the information is accurate, but a lot of it is not.

**Here are a few realities to consider:**

- You can’t predict the effect that a drug can have on you—especially if it’s the first time you try it, and even if it’s a small amount or dose. Everyone's brain and body chemistry are different. Everyone's tolerance for drugs is different.
- Using drugs can lead to abuse, addiction, serious health problems, and even death.
- Drugs that are legal—prescription and over-the-counter (OTC) medications—can be just as dangerous as illegal drugs.

*Drug Enforcement Administration (DEA) Drug Fact Sheets*
Find out as much as you can about illegal and legal drugs and their effects on your body and brain. The more informed you are, the more confidently you can make the right decision about drugs. Read DEA’s Drug Fact Sheets and the DEA’s Drugs of Abuse publication for the latest information on:

<table>
<thead>
<tr>
<th>Amphetamines</th>
<th>Heroin</th>
<th>Methadone</th>
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</thead>
<tbody>
<tr>
<td>Barbiturates</td>
<td>Oxycodone</td>
<td>Methamphetamine</td>
</tr>
<tr>
<td>Bath Salts</td>
<td>Hydromorphone</td>
<td>Morphine</td>
</tr>
<tr>
<td>Benzodiazepines</td>
<td>Inhalants</td>
<td>Kratom</td>
</tr>
<tr>
<td>Cocaine</td>
<td>Ketamine</td>
<td>Opium</td>
</tr>
<tr>
<td>Barbiturates</td>
<td>Khat</td>
<td>PCP</td>
</tr>
<tr>
<td>Ecstasy</td>
<td>K2 or Spice</td>
<td>Peyote &amp; Mescaline</td>
</tr>
<tr>
<td>GHB</td>
<td>LSD</td>
<td>Steroids (anabolic)</td>
</tr>
<tr>
<td>Hallucinogens</td>
<td>Marijuana</td>
<td>Stimulants</td>
</tr>
</tbody>
</table>

See also: National Institute on Drug Abuse: The Science of Drug Abuse and Addiction

Resources

For more information about drugs and alcohol please visit Middlebury’s Health and Wellness Education site on Drugs and Alcohol, including alcohol safety strategies, caffeinated alcoholic drinks, and the warning signs of alcohol poisoning.

National resources and references on drugs and alcohol include:

National Institute on Alcohol Abuse and Alcoholism:

College Drinking - Changing the Culture:

National Institute on Drug Abuse:

Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention:

The Partnership at Drugfree.org

Substance Abuse and Mental Health Services Administration:

Centers for Disease Control and Prevention:

Commonly Abused Drugs:

Drug Enforcement Administration:
**Care and Treatment**

*What can I do if I or someone I know has a drinking or drug abuse problem?*

Consult your personal health care provider if you feel you or someone you know has a drinking problem. Other resources include the National Drug and Alcohol Treatment Referral Routing Service available at 1-800-662-HELP. This service can provide you with information about treatment programs in your local community and allow you to speak with someone about alcohol problems.

**Middlebury at Mills College**

*Alcoholics Anonymous/Local AA Meetings*

East Bay Intergroup, Inc.  
510.839.8900

*Substance Abuse Resources*

California Substance Abuse  
855.705.9380

**Middlebury College Drug-Free Schools and Communities Act AOD Program Biennial Review**

Under the Drug Free Schools and Communities Act and regulations Middlebury conducts a biennial review that:

1. determines the effectiveness of Middlebury’s AOD program and implements changes, if needed; and

2. ensures consistent sanction enforcement for violations of Middlebury’s Alcohol and Other Drugs Policy. The Biennial Review and accompanying materials are maintained in the Dean of Students Office.

**Firearms, Fireworks and Weapons Policies at Mills College**

Mills College strictly prohibits:

1. Creating a condition that unnecessarily endangers or threatens the safety or wellbeing of any person;

2. Lighting or attempting to light a fire: Fireworks, firearms, ammunition, and other weapons or materials that endanger health or safety are strictly prohibited. The possession or use of such on College property is cause for disciplinary action.

3. Unauthorized persons shall not carry any rifle, gun, knife, weapon or ammunition of any kind on Mills College property. Exceptions apply to law enforcement personnel who are duly authorized to wear, carry, or transport a handgun when they are on active assignment and engaged in law enforcement. Possessing a concealed weapon or automatic weapon of any kind is illegal on campus grounds.

This policy prohibits bringing on campus the following: explosives, air guns, BB guns, cross-bows, bows and arrows, spring-typed guns, slingshots, firecrackers, fireworks, cherry bombs, switchblades, dirks, daggers, stun guns, metal knuckles, nunchaku, and knives with blades longer that 2.5 inches. Anyone in possession or using any of these weapons can and will be subject to disciplinary action or arrest.
If you see a firearm or other weapon on College property, please alert the Mills Department of Public Safety immediately at 510.430.5555, and provide the location and a description of the weapon and/or the individual carrying it. If you believe that some is using, or about to use, a weapon, **dial 911**.

**Fire Safety & Fire Statistics**

Mills College Department of Public Safety provides in-person and video and training on emergency preparedness for Middlebury at Mills students, faculty, and staff. Emergency Exercise Logs are available by request in the Department of Public Safety Administrative Office at CPM 115. Current Residential Fire Log and Combined Fire Log may be viewed below, in the Department of Public Safety Administrative Office or online at:

http://www.mills.edu/student_services/safety_and_transportation/safety_stats.php

**Fire Alarm & Evacuation Drills**

All student residents and guests must immediately evacuate residential facilities when a fire alarm sounds, or when instructed to evacuate by Mills or Middlebury staff. Those who do not evacuate are in violation of Mills College policy and California state fire codes.

**Fire Safety Equipment**

It is a criminal offense to tamper with fire alarms and safety equipment, including smoke detectors within any Mills buildings including student rooms and apartments.

**Candles**

Open flames are not permitted in any Mills College buildings. This includes, but is not limited to, candles, incense, smoking, and the burning of any materials or other flame-emitting articles.

**Cooking**

Cooking is only permitted in designated kitchens of Independent Living facilities. Cooking appliances such as microwaves, toasters, hot plates or other cooking appliances, are not allowed in residential hall.

**Halogen Lighting**

Halogen lamps are prohibited in College housing because of the fire hazard concerns.

**Portable Electrical Appliance Policies**

Portable electric heaters should be “fail-safe” types with an UL rating or equivalent and are equipped with an automatic tip-over safety shut-off switch. Portable heaters should not be placed near flammable items; paper, curtains, furniture, clothing, bedding or anything else that can burn. Never leave your electric heater running when you leave the room or when you go to sleep.

**Electrical Cords**

Electrical wiring, devices, appliance and other equipment which are modified or damaged and constitute and electrical shock or fire hazard shall not be used. Extension cords shall not be used as a substitute for permanent wiring.
Smoking Policy
Smoking is prohibited inside and within 30 feet of any campus building. Under Mills policy, Adams Plaza is a smoke-free area. Smoking in College-owned vehicles is not permitted. In general, smoking on campus is allowed only if it occurs far enough away from buildings and other enclosed or public meeting areas to ensure that smoke is not present in those areas. Smoking is NOT allowed in any student residence halls.

Fire Safety
If you see smoke or flames, or otherwise suspect a fire, take the following actions. Pull the nearest fire alarm, yell “fire,” quickly but calmly evacuate, and close all doors. If possible, grab towels to cover your faces while exiting. However, don’t collect personal belongings. Assist mobility-impaired people exiting the building. When exiting, touch all the tops of doors to feel if they’re hot before opening them. If a door is hot, try to find an alternative exit.

Once outside the building, call the Oakland Fire Department at 911 and the Mills College Department of Public Safety at x5555 or at 510.430.5555. You must call these numbers, as a fire is not necessarily automatically reported with the building’s fire alarm.

Proceed to the emergency assembly area so the building can be accounted for and to assist in accounting for others. For a list of emergency assembly areas, see the Language School coordinator.

<table>
<thead>
<tr>
<th>BUILDING</th>
<th>FIRE DETECTION DEVICES</th>
<th>STAND-ALONE DEVICE IN STUDENT ROOMS</th>
<th>HORN, BELLS, STROBES</th>
<th>SPRINKLERS</th>
<th>EXTINGUISHERS</th>
<th>FIRE DOORS</th>
<th>CO2 DETECTORS NOT SUPERVISED</th>
<th># OF EVAC. DRILLS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court-yard Town-houses</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>2</td>
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<tr>
<td>Ethel Moore</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<td>Mary Morse</td>
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<td>X</td>
<td>X</td>
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<td>Orchard Meadow</td>
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<td>X</td>
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<td>Prospect Hill Apartments</td>
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<td>X</td>
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<td>X</td>
<td>X</td>
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<td>X</td>
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<td>White Hall</td>
<td>X</td>
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<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>2</td>
</tr>
</tbody>
</table>

Fire Statistics: Definitions and Collection Requirements
Fire: any instance of open flame or other burning in places not intended to contain burning (or in an uncontrolled manner). Fires can be intentional, unintentional, mechanical, or stem from the natural environment. The cause might be undetermined.
False alarm: a fire-alarm system becomes activated without the presence of fire or danger. It could be a system malfunction—a dirty detector, for instance.

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

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

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

<table>
<thead>
<tr>
<th>RESIDENTIAL FACILITIES</th>
<th>911 ADDRESS</th>
<th>TOTAL FIRES IN EACH BUILDING</th>
<th>FIRE NUMBER</th>
<th>CAUSE OF FIRE</th>
<th>NO. OF INJURIES REQUIRING TREATMENT AT A MEDICAL FACILITY</th>
<th>NO. OF DEATHS RELATED TO FIRE</th>
<th>VALUE OF PROPERTY DAMAGE CAUSED BY FIRE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mills Campus 2015</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Courtyard Townhouses</td>
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<td>Mills Campus 2016</td>
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<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

(From June to mid August Middlebury College contracts space and services at Mills College for Language School programs. The statistics for Mills College are collected for the June through mid August time frame each year.)
<table>
<thead>
<tr>
<th>RESIDENTIAL FACILITIES</th>
<th>911 ADDRESS</th>
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<th>NO. OF INJURIES REQUIRING TREATMENT AT A MEDICAL FACILITY</th>
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<td><strong>Mills Campus 2017</strong></td>
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<td>Courtyard Townhouses</td>
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</table>

*From June to mid August Middlebury College contracts space and services at Mills College for Language School programs. The statistics for Mills College are collected for the June through mid August time frame each year.*
Reporting Fires

Emergencies: dial 911.

Students and employees should also report fires to any of the following Mills and/or Middlebury officials:

Mills College Public Safety: 510.430.5555 (x5555 from campus phones)

Language Schools at Mills

*Sasha Miyamoto, Program Coordinator*
PMB 9972, 5000 MacArthur Blvd.
Oakland, CA 94613
802.443.5418
smiyamoto@middlebury.edu

*Dan Fisher, Operations Manager*
PMB 9972, 5000 MacArthur Blvd.
Oakland, CA 94613
802.443.3034
dfisher@middlebury.edu

During orientation, the Department of Public Safety provides fire safety information.

Mills College does not have any plans to upgrade the fire safety systems in the coming year.

Middlebury at Mills (Oakland, CA) Map and Building List

Middlebury at Mills brings our established Language Schools programs to the historic Mills College campus in Oakland, California. This provides a unique opportunity for our West Coast students to
experience Language Schools closer to home, and for East Coast students to explore the liveliness and cultural diversity of the Bay Area.

Maps can be found at: [http://www.mills.edu/maps/](http://www.mills.edu/maps/).