



Middlebury Institute *of*  
International Studies at Monterey

Middlebury Institute of International  
Studies at Monterey  
Security Department

# **Safety and Security Handbook**

## **2018 Annual Security Report**

MIIS Security Department  
460 Pierce St  
Monterey, CA 93940  
831.647.4153  
<https://www.middlebury.edu/institute/offices-services/security>

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## Important Numbers and Resources

### On Campus

Campus Security.....	831.647.4153
Executive Assistant to the Vice President.....	831.647.3513
Office of Student Services/Human Relations Officer.....	831.647.4654
Human Resources/Human Relations Officer.....	831.647.6404
Title IX Coordinator.....	802.443.3289
Deputy Title IX Coordinator.....	802.443.2024

### Off Campus

**Emergency (Police, Fire or Ambulance)..... 911**

For the hearing impaired, dial 911 and press the space bar until someone answers for TDD/TTY calls.

### Hospital Emergency Rooms

Monterey Community Hospital ....	831-624-5311 or 1-888-45CHOMP
Salinas Valley Memorial Hospital.....	831-757-4333
Monterey Bay Urgent Care .....	831-372-2273

### Emergency Numbers

WellConnect Student Assistance Program.....	1-800-326-6142 (24-hour hotline)
Community Human Services Counseling and Recovery.....	831-658-3811
Alcoholics Anonymous .....	831-373-3713 (24-hour hotline)
Domestic Violence Crisis Line (YWCA) .....	831-372-6300 or 831-757-1001
Domestic Violence Crisis Line (YWCA) (24 hour hotline).....	1-800-YWCA-151
Drug Abuse Hotline (Narcotics Anonymous).....	1-800-711-6375 or 831-624-2055
Mental Health Crisis Line .....	831-625-4623
Monterey County Department of Monterey Social Services.....	831-899-8001(Monterey)
.....	831-755-4650 (Salinas)
Monterey County Behavioral Health.....	755-4510 Monterey County Health Department
Monterey County Behavioral Health.....	1-800-234-5465 PacifiCare's 24-hour hotline
Poison Control Center.....	1-800-222-1222 (24-hour hotline)
Rape Crisis Line. ....	831-375-4357 (24-hour hotline)
Suicide Prevention and Crisis Hotline.....	831-649-8008 (24-hour hotline) or 1-877-663-5433
Child Abuse Reporting.....	831-755-4661 (Monterey)

### Non-Emergency Situations

Monterey Police Department .....	831-646-3914
Pacific Grove Police Department ..	831-647-7900

## Message from the Campus Security Manager

This Annual Security Report contains information on security programs, policies, procedures, safety practices and fire safety systems for the Middlebury Institute of International Studies (hereinafter referred to as “Middlebury,” “the Middlebury Institute” or “the Institute”). It also includes statistics for the previous three years concerning reported crimes that occurred: on the Institute’s campus in Monterey, California; (b) on public property immediately adjacent to and accessible from the Institute’s campus; and (c), at the non-campus buildings and properties owned or controlled by the Institute that are used in direct support of or in relation to the Institute’s educational purposes, are frequently used by students, and are not within the same reasonably contiguous geographic area of the Institute’s campus.

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*, and is produced by the Institute’s Security Department. Electronic copies of the Annual Security Report are distributed via email to all students, faculty, and staff at the Institute. Printed copies are available and are provided upon request, by e-mailing the Executive Assistant to the Vice President, Barbara Burke, at [blburke@miis.edu](mailto:blburke@miis.edu).

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.

If you have questions or suggestions about this Annual Security Report, or regarding safety and security at the Institute, or in general regarding Institute programs, please contact me by calling 831.647.4153 or via e-mail at [bdaniels@miis.edu](mailto:bdaniels@miis.edu).

Sincerely,

*Betcie Daniels*  
Security Manager  
460 Pierce Street  
Monterey, CA 93940

## **The Security Department**

The Security Department is a contracted service that provides uniformed security officers on campus at all times. Department members regularly patrol campus on foot and respond to emergencies. The Security Department reports to the Executive Assistant to the Vice President. Security officers are not sworn law enforcement and do not have the power to make arrests but work closely with local law enforcement agencies. Security officers have the authority to stop individuals on campus and request identification. They also can issue parking tickets and notices of trespass.

The department's staff includes the security manager, the lead security guard, and a staff of security guards.

The Security Department staff patrol the Institute campus on foot and they carry a cell phone and campus radio and are certified in CPR, first aid, and in the use of Automated External Defibrillators (AED). They attend workshops and training seminars relevant to campus security and safety. Additionally, many in Security have extensive prior experiences in law enforcement, safety, security work, and emergency medical and fire response.

Often, Security officers are the first responders to assist with fire, medical emergencies, and criminal activity. The department works closely with the Monterey Police and Fire Departments. The Security Department's patrol jurisdiction does not extend outside of the Institute's campus.

### **Mission**

Security's mission is to support the Institute's educational goals by delivering services that enhance and protect the Institute community. Security ensures an environment conducive to learning by enforcing Institute policies, laws, and ordinances, and protecting property and persons. The department welcomes any questions or concerns you might have, whether by email, phone, or in person.

### **Agreement with Law Enforcement**

The Security Department has a working relationship with the Monterey Police Department in the areas of patrol operations, criminal investigation, service of warrants, parking enforcement, and events security. Security immediately reports serious crimes to the Monterey Police, and provides the department with reports of crimes on campus in accordance with Institute policies. Security informs and encourages victims and witnesses to report criminal acts and suspicious behaviors to the Monterey Police. When the police must arrest people on campus, Security offers its assistance and cooperation. There is no written memorandum of understanding between the Security Department and the Monterey Police Department.

The Monterey Police Department ("MPD") also works closely with Security when notifications must be made to inform and protect the campus community.

## 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. If you are not sure if an incident falls into an emergency classification, feel free to call Security at 831.647.4153.

When you need an immediate response at any of the Middlebury programs in the United States, **dial 911**.

To report crimes, emergencies or fire safety concerns, Institute community members should call the Security Department at **831.647.4153**. For life-threatening emergencies, please dial **911** and follow the procedures below.

### 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 a 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 community members, students, faculty, staff, and guests to immediately report all crimes, suspicious activity, and public safety-related incidents and hazards to the Security Department accurately and in a timely manner. This should also be done when a victim elects to, or is unable to, make such a report. In case of a life-threatening emergency or crime in progress, you may also dial 911. See contact information below.

If sexual assault (including rape, fondling, incest, and statutory rape), domestic violence, dating violence, stalking or other crimes occur, staff on the scene, including the Security Department, will offer the victim services and options for filing a report. All crimes should be reported to the Security Department or other designated department or official to ensure inclusion in the annual crime statistics and to aid us in providing timely warning notices to the community as appropriate.

Campus Security has access to criminal justice information systems records and routinely shares criminal investigations information with the Monterey Police Department, the Monterey County Sheriff's Department, and other law enforcement agencies. Statistical information regarding criminal activity of a significant nature is maintained as required by the California Department of Justice (DOJ) and the United States Department of Education.

### Reporting -- Non-campus Buildings or Property

If an Institute 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 the Institute that is used in direct support of the Institute's educational purposes and which is frequently used by students, but which is not within the same reasonably contiguous geographic area as the Institute's campus), they are encouraged to contact the police (dial 911). Other contacts are the on-site director or designee or security staff responsible for the building or location.

Examples of non-campus buildings or property are those that meet the definition of "non-campus" as described above, such as local rental properties that are under a master lease with the Institute, property used for immersive professional learning trips organized by the Middlebury Institute, courses or events at Middlebury's Washington, D.C. suite, and certain hotels or other accommodations that are repeatedly used by Middlebury Institute programs. Individuals are encouraged to report crimes to Middlebury Institute departments or officials responsible for security-related issues or administration, and to local police agencies as appropriate and/or required by applicable law.

### **Contact Information for Middlebury Institute Campus, Monterey, California**

Emergencies:

\*Call **911** (from off-campus phones)

\*Call **9-911** (from campus phones)

Ambulance, Police, or Fire Department

\*Call **911** (from off-campus phones)

\*Call **9-911** (from campus phones)

Monterey Police: **831.646.3830**

Monterey Fire Department: **831.646.3900**

Security Department Business and Emergency Line

\*Call **831.647.4153** (from off-campus phones)

\*Call extension 4153 (from campus phones)

\*You may also pick up any on-campus blue phone.

For catastrophic emergencies, including medical, fire, smoke, crime, or the carbon monoxide alarm, first call 911 and then the Security Department.

Reports can also be made in person at the Security Department, 460 Pierce Street, Monterey, CA. An officer is available 24/7 in case of an emergency.

### **Clery Act Crime Reporting**

Any student or faculty or staff member who has information about a Clery Act crime is requested to report the crime to the Executive Assistant to the Vice President (831.647.3513), a Human

Relations Officer (831.647.4654 or 831.647.6404), the Security Manager (831-647-6519), the Title IX Coordinator/Compliance Officer (802.443.3289), or the Security Department (831.647.4153).

Reporting is important for safety reasons and for inclusion in the Clery Act crime statistics (which do not contain any names or identifying information). 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 the Middlebury Institute or the criminal justice system, you may still want to consider making an anonymous report. With your permission, the Security 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.

Anonymous reports regarding the Middlebury Institute campus can be made to the Monterey Police Department at 831.646.3830. Voluntary, confidential reports of crime statistics may be made to the Security Department at 831.647.4153. Such reports will allow Institute 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.

## **Campus Security Authority (CSA)**

### **Middlebury Institute, Monterey, California Campus**

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 the Middlebury Institute:

Security Department staff (831.647.4153)

Executive Assistant to the Vice President (831.647.3513)

Human Resources Manager & Alternate Human Relations Officer (831.647.6404)

Associate Dean of Student Services & Alternate Human Relations Officer (831.647.4654)

Dean of Enrollment, Advising and Student Services (831.647.3553)

Title IX Coordinator/Compliance Officer (802.443.3289)

Deputy Title IX Coordinator (802.443.2024)

Middlebury College Human Relations Officer (802.443.3426)

Middlebury College Department of Public Safety (802.443.5133)

Faculty or Staff who travel with students on programs to foreign or domestic locations, including Tsuneo Akaha, Jan Black, Paige Butler, Pushpa Iyer, Beryl Levinger, Wei Liang, Carolyn Meyer, George Moore, and Phil Murphy

You report a crime when you bring it to the attention of a CSA, and that report should be made in good faith.

### **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 the Security Department Manager, the executive assistant to the vice president, the Title IX coordinator, or the Security Department so that the crime report can be included in annual crime statistics, and in order to make a timely warning determination (see Timely Warning, below). 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 [Handbook for Campus Safety and Security Reporting](https://www2.ed.gov/admins/lead/safety/handbook.pdf) (<https://www2.ed.gov/admins/lead/safety/handbook.pdf>) 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 Security Department, or other site-specific designee at a non-campus building, will issue timely warnings regarding reported crimes that are reported to the Middlebury Institute by CSAs, local law enforcement, or others, and that are considered by the Middlebury Institute to represent a serious and ongoing threat to students, employees, and/or other members of the Institute community. Any member of the Institute community who knows of a crime or reported crime should report that information as soon as possible to the Security Department so that, if warranted, a timely warning can be issued. (Note: The Security Department or designees will not distribute warnings that could compromise criminal investigations).

Criminal incidents that might prompt a timely warning include the Clery 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 Security Manager (or designee), the Vice President's Office, the dean of enrollment, advising, and student services, and the Title IX coordinator, or their designees, and the on-site designee when applicable. In an extreme emergency, the notification process will be implemented at the sole direction of the Vice President's Office or the Safety Manager or her designee.

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 Middlebury Institute will withhold as confidential the names and other identifying information of victims.

The warning will be issued via email and will be posted on the Security Department website. Depending on the circumstances of the crime or threat, the Security Department may post the notices in academic building(s) and may issue the timely warning by text message. The Middlebury Institute may also issue warnings to the campus community when other situations pose safety concerns (see this handbook's Emergency Response section, below), or otherwise as deemed appropriate.

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

### **Daily Crime Log**

The Middlebury Institute's Security Department maintains a Daily Crime Log of all criminal incidents and alleged incidents reported to have occurred on the Institute's campus, on the adjacent public property, and in the Security Department's patrol jurisdiction. The daily Crime Log reports are available for public inspection and review during business hours at Security Department's office, located at 460 Pierce Street, Monterey, CA.

The Daily Crime Log will contain any crime reports to the Security Department from a Campus Security Authority, local law enforcement, or other individual. Reports of crime at non-campus buildings or properties, as defined by the Clery geography, will be included in the Middlebury Institute's crime log. The Safety Department publishes the crime log entry, an addition to an entry, or a change in the disposition of the complaint within 2 business days of receipt of the crime report and maintains a printed copy at the office, 460 Pierce Street, Monterey, California. This log

identifies the nature of the crime, the general location of the crime, the date and time the crime occurred, the date the crime was reported to the Safety Department, and the disposition of the complaint, if known. The Middlebury Institute is not required to update the disposition of a crime log entry if the disposition changes 60 days after the entry was made in the log.

Exceptions to the crime log entry procedure described above may be made if such disclosure is prohibited by law or would jeopardize the confidentiality of the victim. In addition, the Middlebury Institute 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
- \*result in the destruction of evidence

The Institute will disclose such information once the adverse effect is no longer present.

### **Emergency Phones**

Emergency phones, located strategically throughout the campus, automatically call Security dispatch when the receiver is lifted. Members of the Institute community are encouraged to use them any time security is needed. Emergency phones are in the following locations:

- McGowan entrance on Pacific Street
- Casa Fuente by CF448 entrance
- McCone entrance on Pierce Street
- Samson underground parking garage
- Samson Patio – one by the restrooms and one by the vending kiosk
- Security Hut – on exterior wall
- Simoneau House exterior, next to the Graduate Writing Center
- Library on the main floor next to the printers (red phone)
- Library by the Fletcher Jones Media Room
- Library at the top of the stairs on the second floor.

### **Security Escorts**

- Available 24/7 between locations on campus
- Dial extension 4153 on an Institute phone or (831) 647-4153 from an off-campus line

### **Automated External Defibrillators (AED)**

Automated External Defibrillators (AED) are in the following locations on the Institute's campus:

- McGowan Building – main lobby, in front of MG102
- McCone Building – main lobby, next to the McCone Boardroom, Room 202
- Samson Student Center – in the Dining Room
- Holland Student Center – near front door and next to fire extinguisher

Members of the Security Department, the Threat Assessment Management Team, the Emergency Management Team, and the Safety Committee are trained in the use of AEDs.

### **Emergency Response**

This section describes the procedures that the Middlebury Institute 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 students or employees occurring on the Institute's campus, the process that the Institute 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, the Institute 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.

General information about emergency response and evacuation procedures for the Institute is available on the Middlebury Institute web page under the title "Emergency Response Guidelines" at <https://www.middlebury.edu/institute/offices-services/security>.

The Security Department and members of facilities services, 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. The Security Department will also summon the necessary resources, including the police, fire department, emergency medical services, and other members of facilities services as necessary. Security will assist with providing access to locked buildings. The department will also investigate and document any situations that might cause significant emergencies or dangerous situations.

### **Emergency Notification Procedures**

In the event of a confirmed emergency or dangerous situation occurring on or approaching campus, the Security Manager or the executive assistant to the vice president or their designees, in consultation with other senior Middlebury Institute and/or Middlebury officials, and as appropriate under the circumstances (e.g., executive director of communications, dean of enrollment, advising, and student services) 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(s) 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:



- MIISAlert (RAVE)
- Middlebury Institute website
- Email distribution lists, Facebook or Twitter posts to the campus community

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 MIISAlert system 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.

The Middlebury Institute 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 the Monterey Police, Monterey Fire Department, the California Department of Health, 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 security manager, the executive assistant to the vice president, 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 MIISAlert system include the security manager, the executive assistant to the vice president, the executive director of communications, the associate dean of student services, and the director of facilities services.

### **Disseminating Emergency Information**

**The MIISAlert system** will be activated on a case-by-case basis. If a major emergency affects the main campus, a warning message will be issued using any of the systems available for emergency notification.

- Messages sent to MIIS emails will have the following sender information: RAVE Alert, [middlebury@getrave.com](mailto:middlebury@getrave.com).
- Messages sent to cell phones will come from **831.647.4153**.
- Text messages from RAVE will display short, hyphenated numbers (such as 672-83). The text will begin “**MIISAlert.**”
- Security might also send notifications from [security@miis.edu](mailto:security@miis.edu).
- Emergency notification may also be completed with the use of a megaphone or loudspeaker, if necessary.
- The Institute will disseminate emergency information to the larger community by contacting the local police, state police, and/or local news agencies.



## **Adding or Changing Cell Phone Emergency Contact Information**

To alert the college community of emergencies or potential emergencies, the Security Department may use the RAVE Emergency Notification System. This system uses the cell phone numbers entered into BannerWeb. Students are required to provide their emergency contact information upon course registration. We also send an email explaining that the cell phone numbers must be in Banner in order to receive emergency notifications in this manner. Employees are notified that in order to receive RAVE cell phone messages or text messages, they must list their cell phone number in Banner.

Faculty and staff can add their cell phone number to Banner by following these steps:

Log into Banner Web: <http://go.miis.edu/bw>

Select: **Personal Information**

Select: **Update cell phone for emergency communications**

Students can add their cell phone number to Banner by following these steps:

Log into Banner Web: <http://go.miis.edu/bw>

Select: **Personal Information**

Select: **Update mailing address(es) and phone(s)**

Select: **Change/Insert**

While in the Banner Personal Information section, please review your personal information and be sure your emergency contacts are up to date. Also, so you can recognize the emails, phone calls, or texts from RAVE, add the Rave numbers above to your phone's contacts.

The Middlebury Institute will disseminate emergency information to the larger community by contacting 911.

## **Testing Emergency Response and Evacuation Procedures**

The Middlebury Institute will test the Institute's emergency response and evacuation procedures on at least an annual basis, including tests that may be announced or unannounced, by the Emergency Notification System (RAVE), and could utilize text, phone, and/or email. The Institute will publicize its emergency response and evacuation procedures in conjunction with at least one test per calendar year, by directing people to the security web pages. The Institute will document, for each test, a description of the exercise, the date, the time and whether it was announced or unannounced.

## **Emergency Operations Plan**

The Middlebury Institute has an Emergency Operations Plan that provides an organized management system for the Institute to follow during emergencies. The EOP follows the format outlined by the Department of Education's Guide for Developing High-Quality Emergency Operations Plans. It establishes a framework for policy and guidance for preparedness, response, recovery and mitigation.

The Emergency Operations Plan is supported by the Middlebury Institute's Emergency Management Team (EMT), which is trained in emergency preparedness and response. The EMT consists of staff members from various Institute departments and offices who are responsible for operational management during an emergency. The EMT reports to the vice president's office, who in turn will report to the Executive Policy Group at Middlebury, composed of senior leadership responsible for policy and executive-level decision making during an emergency.

The EMT is supported by the Institute's Safety Committee, comprised of Institute employees trained in emergency preparedness and response and is available to support the EMT as needed.

### **Team Training**

The Emergency Management Team (EMT), the Threat Assessment and Management Team (TAM), and the Safety Committee participate in training and exercises. At a minimum, all team members must complete the online course Introduction to the Incident Command System, ICS-100 for Higher Education (<http://training.fema.gov/EMIWeb/IS/IS100HE.asp>).

For testing purposes, team members will practice with hypothetical critical incidents and emergencies. They will employ tabletop exercises, functional exercises, and drills that test the utility of emergency operation planning, the team members' preparedness, the team's coordination with external entities, and team members' knowledge, acquisition, and deployment of resources.

Team chairs will schedule training sessions, which occur at least once a year. Training will, when it is practicable, include first responders and other external agencies to test the Institute's plans and their compatibility with local, regional, or state plans.

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

Middlebury is committed to maintaining campus and workplace environments that are safe and secure for all students, staff, faculty, and visitors. As part of this commitment, Middlebury has established two Threat Assessment and Management Teams ("TAM"), which are empowered to assess risk and, in cooperation with other Middlebury teams or offices as appropriate, formulate an appropriate response in situations where an individual's behavior and/or statements indicate they may present a threat to the health or safety of others. The Vermont TAM is responsible for all the programs based in Vermont and elsewhere except that the Institute TAM is responsible for the Middlebury Institute of International Studies. The TAMs seek to mitigate potential risks before they result in harm.

The full TAM policy and team members are listed at:

<http://www.middlebury.edu/about/handbook/policies-for-all/health-safety/tam-policy>. In case of an immediate emergency, call 911.

## **General Emergency and Evacuation Procedures**

### **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 point and check in with the Emergency Management Team (EMT) member there. Report anyone who might be missing.
- A security officer will direct you to another safe location in order to find shelter in inclement weather.
- Do not reenter the building until security advises that the Monterey Fire Department has indicated that it is safe to reenter.

### **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, before law enforcement arrives on the scene, individuals must be mentally and physically prepared to survive. (In 2014 the Middlebury Institute began training all students, faculty, and staff in the "Run, Hide, Fight" protocol described below.)

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"). Tell 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 Middlebury Institute Security Department at 831-647-4153.
- 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, but only if you cannot speak safely) 911 and call the Middlebury Institute Security Department at 831.647.4153.
- 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 funded by the Regional Catastrophic Preparedness Grant Program, a Department of Homeland Security 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 freestanding 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 won't break the windowpane.

At the first indication of an earthquake, **move to a safe area (under sturdy furniture, or braced in an interior door frame or interior corner)**, away from shelves and windows, and keep your face and head 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 a flashlight on hand, 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.

## **Tsunami**

- When in coastal areas, stay alert for tsunami warnings.
- Plan an evacuation route that leads to higher ground.
- Know the warning signs of a tsunami: rapidly rising or falling coastal waters and rumblings of an offshore earthquake.
- Never stay near shore to watch a tsunami come in.
- A tsunami is a series of waves. Do not return to an affected coastal area until authorities say it is safe.
- If you are in school and you hear there is a tsunami warning, you should follow the advice of teachers and other school personnel.
- If you are at home and hear there is a tsunami warning, you should make sure your entire family is aware of the warning.
- If you are asked to evacuate, move in an orderly, calm and safe manner to the evacuation site or to any safe place outside your evacuation zone. Follow the advice of local emergency and law enforcement authorities.

- If you are at the beach or near the ocean and you feel the earth shake, move immediately to higher ground. **Do not** wait for a tsunami warning to be announced.
- Stay away from rivers and streams that lead to the ocean as you would stay away from the beach and ocean if there is a tsunami.
- Open windows and doors to help dry the building (after the incident).
- Shovel mud while it is still moist to give walls and floors an opportunity to dry (after incident).
- Fresh food that has come in contact with floor waters may be contaminated and should be thrown out. Have tap water tested by the local health department (after incident).

### **Blackout**

- During a power failure, if there is no sunlight or emergency lighting then REMAIN STILL. Do not attempt to exit in sudden darkness.
- When vision is possible, TURN OFF all electrical apparatus, particularly computers, heaters, AV equipment, and coffee makers.
- If necessary, EXIT the building calmly. BE AWARE to avoid obstacles that may trip or impact your body.
- WAIT for further instructions from emergency coordinators or other management.

### **Explosion/Plane Crash**

- If a dangerous crash collision or explosion has caused injury, call fire department rescue at 911.
- If fire threatens the facilities, proceed with fire emergency plan.
- Provide immediate first aid to injured personnel.

### **Bomb Threat**

- If notified by a phone call, gather as much information as possible: Who, what, where, when, and why? Keep the caller talking as long as possible and write down all information.
- Call Campus Security immediately to convey information; they will make the determination if and when to call the police.
- Be prepared to evacuate the threatened area.
- Do not attempt to use an electronic device in close proximity to any identified explosive device, which could cause activation. This includes cell phones and two-way radios.
- Make no attempt to move or disturb any identified device.

### **Living Abroad Evacuation**

Middlebury College has an agreement with Global Rescue (see [http://www.middlebury.edu/international/global\\_operations/health\\_safety/node/440572](http://www.middlebury.edu/international/global_operations/health_safety/node/440572) and <https://globalrescue.com/personal/about.html>) for medical and security advisory and evacuation services for Middlebury College and Middlebury Institute students on Middlebury College/Middlebury Institute-sponsored activities abroad, students from other colleges and universities studying at our Schools Abroad, as well as faculty and staff traveling on Middlebury College/Middlebury Institute business.

In the event of a program evacuation, Middlebury College has contracted for evacuation services to extract students as safely and efficiently as we can. All students are expected to participate in the group evacuation. Our in-country staff and resources will not be available to any student who elects to remain behind. Any accommodations made for students after an evacuation (financial, educational, etc.) will only be available to students who are part of the evacuation. There is a waiver for any student who refuses to participate in a group evacuation.

Global Rescue is available to assist travelers affected by medical and security emergencies while studying, working, or traveling abroad. They are available to consult and ensure appropriate medical treatment or safety measures are being taken. In addition, Global Rescue will arrange for the provision of health information services through their operations team and Johns Hopkins Medicine to include medical advice, case monitoring, hospital and clinic referrals, and evacuation services. This consultation service comes at no cost to the traveler. Any costs associated with treatment, transportation, or evacuation will be the traveler's responsibility. Travelers in need of either of these services can contact **Global Rescue at +1-617-459-4200** and identify themselves as a Middlebury/MIIS traveler. Directors, staff, and students can contact Global Rescue directly.

Our partnership with Global Rescue also provides travelers with access to an intelligence platform (GRID) that ensures that travelers are well informed and prepared before and during your travels. This arrangement allows you access to Destination Reports which outline medical and security risks in travelers' host country and other countries that may be visited. Through GRID, travelers are also able to view alert notifications for events that are happening around the world. In addition, while abroad, travelers will automatically receive health, safety, and security reports based on destination, along with expert analysis and advice.

Travelers will receive log-in information and instructions directly from Global Rescue in order to access this resource. It is strongly recommended that travelers also download the Global Rescue GRID application which is available at the Apple Store (iOS 5 and above), Google Play (Android 4.4 and above), and BlackBerry App World (10.2 and above). Through this application, travelers will be able to reach out directly to Global Rescue in an emergency situation via its in-app emergency call button as well as run Destination Reports, view event alerts, and "Check-In" if there is a crisis in the host country.

### **Campus Security and Access**

This policy statement provides information about security of and access to campus facilities and security considerations used in the maintenance of campus facilities.

### **Academic**

Campus academic facilities are open to members of the campus community and to guests and visitors during normal business hours, 8:00 AM to 5:00 PM, Monday through Friday. Some buildings and facilities also have limited designated hours in the evenings and on weekends to accommodate evening classes, research, or other special programming or event needs. Faculty and



staff are responsible for keeping their own private office spaces and storage areas secured. The Security Department officers have the responsibility for securing departments and buildings that remain open late or keep unusual hours. Security officers routinely check buildings through the course of their patrols to maintain security.

### **After Hours Access for Students**

Periodically, faculty, staff, and students will need additional access to certain locations on campus for events and academic or organizational needs. Access can be obtained by submitting a room reservation request to reserve the needed venue.

### **Computer Labs**

There is a computer lab (the Pac Lab) in Casa Fuente building. Generally, this lab will be unlocked during normal business hours and additional posted hours in the evenings and over the weekend. Outside of posted hours, the lab is only accessible to those that have submitted a room reservation request.

### **Facilities**

The Security and Facilities Departments strive to maintain a safe and secure campus environment. Outside lighting, as well as ingress/egress lighting in hallways, stairwells, and parking lots and garage, is checked frequently to assure that all areas of campus are well-lit. Burned out lightbulbs are replaced in a timely manner. Security hardware on doors is checked frequently, to assure they are in good working order. Facilities services staff test building emergency systems, including the egress lighting in hallways and stairwells, on a regular basis. Any facility safety hazards can be reported to the Security Department at 831.647.4153.

### **Access Problems and Questions**

If you can't access a building and feel unsafe, please contact the Security Department immediately.

### **Crime Statistics**

The Security Department is the centralized reporting authority for the Middlebury Institute. All members of the Middlebury Institute community are encouraged to report criminal incidents to the Security Department, the security manager, or a Campus Security Authority (as designated above) for inclusion in the Clery Act crime statistics.

The Security Department collects Clery Act crime statistics from the Institute's public log, Middlebury Institute Campus Security Authorities (CSAs), Monterey Police Department, and local law enforcement at non-campus locations. In an effort to provide members of the campus community with information about campus crime and crime-related problems, the Middlebury Institute Security Department, 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*, publishes and distributes the crimes statistics in the Institute's Annual Security Report.

The Middlebury Institute 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. (Examples: courses or events at the Institute's Washington, D.C., suite, property used for Institute-organized immersive professional learning trips.)

**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 Institute's 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 Institute Campus and Non-Campus Property

Offense	Year	Geographic Location			
		On Campus	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Murder/Non-Negligent Manslaughter	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Manslaughter by Negligence	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Rape	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Fondling	2014 <sup>5</sup>	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Incest	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Statutory Rape	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Robbery	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0

Aggravated Assault	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Burglary	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Motor Vehicle Theft	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Arson	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0

### **Unfounded Crimes – Middlebury Institute Campus and Non-Campus Property**

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. The Institute 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):

<https://www2.ed.gov/admins/lead/safety/handbook.pdf>

Timely response to these incidents is crucial. Failure to report allows the incidents to remain hidden and may even allow them to escalate. The Institute 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 Executive Assistant to the Vice President, the Human Relations Officers, the Security Manager, the Title IX Coordinator/Compliance Officer, or the Security Department, or a campus security authority.

### **Hate Crimes - Middlebury Institute Campus and Non-Campus Property**

2015: No hate crimes reported.

2016: No hate crimes reported.

2017: No hate crimes reported.

### 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.

### VAWA Crimes - Middlebury Institute Campus and Non-Campus Property

Offense	Year	Geographic Location			
		On Campus	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Domestic Violence	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0

Dating Violence	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Stalking	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0

### **Unfounded VAWA Crimes – Middlebury Institute Campus and Non-Campus Property**

2015: No unfounded crimes

2016: No unfounded crimes

2017: No unfounded crimes

### **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 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 or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws 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).

<b>Arrest and Disciplinary Referrals Reporting Table - Middlebury Institute</b>					
<b>Offense</b>	<b>Year</b>	<b>Geographic Location</b>			
		<b>On Campus</b>	<b>On-Campus Student Housing Facilities</b>	<b>Non-Campus Property</b>	<b>Public Property</b>
Arrest: Weapons: Carrying, Possessing, Etc.	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, Etc.	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Arrest: Drug Abuse Violations	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	1
Disciplinary Referrals: Drug Abuse Violations	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Arrests: Liquor Law Violations	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0

## Crime Prevention

The Middlebury Institute routinely takes the following steps to inform students and employees of campus security procedures and practices and the prevention of crimes:

- An e-mail each semester from Student Services providing information on important policies and procedures.
- An annual e-mail from the Human Resources Department to faculty and staff providing information of important policies and procedures.
- A regular e-mail from the Security Department to faculty, staff, and students with bicycle security tips that also includes a video about the best locks to use to secure bikes.
- A regular e-mail to faculty, staff, and students providing tips for personal safety.
- An annual e-mail from the Security Department regarding testing of the Rave emergency notification system that contains information on how to react to an active shooter on



campus. This e-mail also includes the City of Houston's "Run, Hide, Fight" video and information on accessing free on-line FEMA training: IS-907: Active Shooter: What You Can Do.

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.

### **Personal Safety**

The Middlebury Institute campus and the City of Monterey have relatively low incidents of crime.

Here's 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 the Security Department or a Campus Security Authority.
- Remember that unreported crimes cannot be solved. This allows the perpetrators to commit additional, and possibly more serious, crimes.

### **Walking or Running Safety**

Avoid traveling alone at night. Instead, travel in pairs. Call Security at 831.647.4153 if you need an escort to a building or your vehicle on campus.

- 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.

## **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 your landlord. 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, request that the locks will be changed.
- 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 the nearest local law enforcement authorities. 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 the Security Department 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 your residence or Institute buildings.
- People outside the Institute community are prohibited from soliciting on campus. If you see an outside solicitor in the dorms, immediately report this to the Security Department.
- 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 831. 647.4153 on the Middlebury Institute campus, or one of the other emergency numbers listed above.
- 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 the Security Department. This will be useful to the Security officer or the police, if there is a police report.

## **Safety While Driving**

- Immediately report all suspicious people or vehicles around parking areas to the Security Department.
- 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.

### **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 valuable 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 residence.
- Never leave personal belongings unattended while on campus, such as in the Samson Student Center or the Library.
- 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, be careful to properly secure valuables.
- 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 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:

Further Information may be located at these government websites:

[U.S. Department of Justice](https://www.justice.gov/)

<https://www.justice.gov/>

[Internet Crime Complaint Center](https://www.ic3.gov/default.aspx)

<https://www.ic3.gov/default.aspx>

[Federal Deposit Insurance Corporation](https://www.fdic.gov/)

<https://www.fdic.gov/>

[Securities and Exchange Commission](https://www.sec.gov/)

<https://www.sec.gov/>

And at these nongovernmental websites:

[Better Business Bureau](https://www.bbb.org/)

<https://www.bbb.org/>

[Fraud.org](http://www.fraud.org/homepage?splash=1)

<http://www.fraud.org/homepage?splash=1>

[Internet Scambusters](http://www.scambusters.org/)

<http://www.scambusters.org/>

[National Cyber Security Alliance](https://staysafeonline.org/)

<https://staysafeonline.org/>

## **Bicycle Security**

- Register your bike with Security by completing the form at <https://forms.miis.edu/offices/security/bicycle>.
- Retain the original purchase documentation, including the serial number.
- Always lock your bike. Optimally, bikes should be locked around the frame and through both wheels, as well as secured to a bike rack.
- Do not lock your bike to a tree, bench, or handrail.
- Invest in a strong bicycle lock (preferably a U-lock) or strong padlock and chain. Chains should be case-hardened steel with links at least 5/8-inch in diameter.
- Utilize bike storage rooms if available. If you leave your bicycle outside, keep it in a well-lit and heavily traveled location.
- Find out if your parents' or your insurance policy covers your bicycle. If not, consider insuring it.

- The Security Department will remove bicycles locked to handrails or in walkways and retain them in a safe location until the owner comes to Security to claim their bicycle.

### **Bicycling Safety**

- Bike riders are responsible for their own safety, and the Middlebury Institute does not make or enforce rules about bike riding. Nonetheless, it is consistent with good common sense that you should ride responsibly and always wear a helmet, not weave or change lane positions, always leave at least three feet between yourself and obstacles such as parked cars or poorly maintained shoulders, and make sure that your brakes and other components of your bicycle are in working order.
- California state law requires a white front light and red rear light for night riding. Also, wearing bright, reflective clothing will increase your visibility and help reduce conflicts.
- Generally, bicyclists should ride with the flow of traffic, on the road's right-hand side. Remember, bicyclists aren't permitted to ride on sidewalks in Monterey's downtown.
- Don't ride the wrong way on a one-way street.
- 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.

### **Security Escorts**

If you're concerned about your safety, the Security Department will provide after-hours safety escorts to faculty, staff, and students within the Institute campus footprint. Escorts can be requested by calling 831.647.4153.

### **Personal Safety Abroad**

As in any city, students participating in programs abroad will need to exercise good judgment, and always remember that local laws and regulations apply to them just as they do to the citizens of that country. In most of our sites, a number of international visitors are victims of pickpockets operating on public transportation or on the street. North Americans are very easily recognizable by their type of dress and mannerisms and more often than not simplify the thieves' task unwittingly. In social interactions in any culture, it will take you a while to figure out who is who. At home you can usually tell quickly if a new acquaintance is someone you want to get to know better or can trust, or if this new acquaintance spells trouble. While abroad, you will lack the cultural background needed to make these determinations and may miss some signals, especially at the beginning of your stay.

By adhering strictly to a few simple pieces of advice, students can minimize their exposure to unsafe situations:

- You should have valid identification (e.g., an international student ID card, a photocopy of your passport, or a drivers' license) with you at all times.

- Do not carry anything of value in a backpack. Backpacks are a prime target. Zippers can be opened or material cut with a knife and wallets lifted without anyone seeing or realizing it. Backpacks are also easy to set down, making it easy for anyone to pick them up and walk away. Thieves have a great many tricks that require you to let go of your bag: a person may ask you for directions, obliging you to set down your bag to look at a map, and an accomplice picks up the bag and walks off with it; someone “accidentally” spills something on your coat and bag then courteously insists on helping to clean it off and takes off with the bag or an accomplice comes along and carries it off.
- Instead of a backpack, buy a small flexible bag that you can hang around your neck and/or a money belt to hide inside clothing to store your passport and money. This is absolutely necessary when you change money at the bank or American Express. Thieves watch these places and trail their victims after seeing that they have received a lot of money. Should you carry a handbag, wear it across your body rather than under your arm, and with the clasp against your body. Do not carry money or valuable papers in your hip pocket.
- If you must exchange money, do it at a time when you can go directly home afterwards instead of between classes, or before going out at night. In general, try never to have a large amount of cash on you.
- Do not carry house keys and your address, or credit/debit cards and personal identification number (PIN), in the same place.
- North Americans are notorious for talking to strangers and lending a helping hand. When a stranger requests the time, a light, or directions, either ignore the request or oblige from a safe distance, paying close attention to your belongings. Do not give anyone you do not know well your phone number.
- Be wary of motorcycles. While walking along the street, carry your purse on the inside next to a building. Motorcyclists can grab your purse or cut it away in a matter of seconds.
- Don’t wear ostentatious jewelry. It is best not even to take it abroad.
- Before leaving the U.S., make photocopies of all your personal documents (*passport, credit cards, etc.*) and leave copies at home.
- Try to avoid large crowds, and take care if you find yourself in an inexplicable crush of people (*if, for instance, your end of the metro or bus suddenly seems to be the only section that’s really crowded*). We strongly recommend that students stay clear of any political demonstrations.
- Avoid metro or train stations late at night or any other time when they might be deserted.
- Go places with friends rather than alone, and do not go to someone else’s home alone or invite anyone to yours. Cultural differences and language difficulties can lead to “misunderstandings.”



Women, particularly, should avoid behavior that might be perceived as overly friendly and should discourage any such advances by others.

- Traveling with host country friends, as opposed to American friends, will provide you with an extra degree of safety.
- Keep emergency phone numbers with you or memorize them.
- Students should avoid jogging alone, especially in areas or at times when there are few people around (*very early in the morning, for instance*).
- Students should not have a false sense of confidence that can come from being an outsider in a stranger environment.
- If you are robbed, report it immediately to the director or another staff member; you will be advised how to report it to the police. Report any stolen credit cards immediately. If you are registered with the consulate, they can help by issuing a new passport at once and in some cases can offer emergency funds and cancellation of credit cards.
- If, during your stay abroad, there should occur some serious event involving casualties, whether or not it has put you personally at risk, that is likely to get international media exposure, we urge you to get in touch with your family to reassure them that you are okay. Remember that what may seem like a relatively minor local event to you could cause undue alarm back home.
- Be alert to the people with whom you have contact. Be wary of people who might be overly friendly or overly interested in you. Be cautious when you meet new people and do not give out your address or phone number. Be careful sharing information about other students or group events. Be alert to anyone who might be following you or to any unusual activity around your place of residence or classroom. Report any unusual people or activities to on-site staff or authorities immediately.
- Be careful observing traffic lights. Stay on the sidewalks away from the curb and walk facing oncoming traffic whenever possible. Drivers in large cities can be aggressive, and often erratic. Never assume a car will stop or steer out of your way.
- It is especially important not to call attention to yourself by being part of groups of Americans speaking in English.
- When traveling, avoid arriving in unfamiliar places at night and have a plan for where to go and how to get there.
- Remember that the host country laws and regulations apply to you just as much as they do to the locals.
- Be aware that cell phones are a particularly easy target for thieves, who are very good at picking them up off tables in public places, lifting them out of pockets or backpacks, or even right out of your hand as you use it on the street.





- Be careful with whom you ride in a car. Some countries are less adamant about drinking and driving and therefore driving under the influence of alcohol is more common.

### **Relationships**

Entering into a relationship should be approached with the same precautions as at home. It can be very tempting to be charmed by the idea of a once-in-a-lifetime foreign romance, but you should consider all relationships carefully, particularly when you are overseas. There are cultural values and rules regarding dating and relationships, and the relationship norms to which you have become accustomed may no longer be the norm. Differences in solicitation, dating, and what exactly constitutes a relationship will not be as apparent as they are in your home culture. While cultural sensitivity is a necessary part of adapting to your host culture, if you ever feel that your personal safety is threatened, it is okay to put aside your cultural sensitivity long enough to remove yourself from any uncomfortable situation in which you might find yourself. In a cross-cultural relationship, it is also okay to share your own standards of safe sex and discretion with your partner. Proceed cautiously, realizing that you are in the country for only a short period of time.

### **Notification Regarding Missing Students**

If a Middlebury Institute student is missing from the Institute campus in Monterey, California, this should be immediately reported to the Security Department at 831.647.3513, or reported to the Monterey Police Department, the California State Police, or other law enforcement agency that has jurisdiction over the area, as applicable. The Security Department will immediately try to locate the student and notify the police department about where the student was last seen, no later than 24 hours from the time the student is determined to be missing (unless the local police department was the agency that made the determination that the student was missing). In some circumstances—for example, a reported kidnapping or a missing child—Security will notify the police immediately. If a student younger than 18 and not emancipated is missing, the Institute 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.

Students attending the Middlebury Institute 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 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.

## **Weapons Policy**

The use and possession of weapons are prohibited on Middlebury property and at Middlebury sponsored events, including in motor vehicles. Antique, imitation, and replicas of weapons are also prohibited unless they are possessed or stored in accordance to the Exceptions section below. Discovery of a weapon on Middlebury property or carried by a person (openly or concealed) on Middlebury property, or at Middlebury sponsored events, or any other violation of the weapons policy, shall result in confiscation of the weapon. Disciplinary action against the owner and/or person in possession may be taken, which may include but not be limited to removal from Middlebury property, arrest, expulsion, suspension, probation, discipline, dismissal or termination.

This policy applies to all faculty, staff, students, employees, and visitors at all Middlebury property, including those who have a valid permit to carry a concealed weapon. This policy shall not apply to a law enforcement officer while engaged in law enforcement duties, or an active duty member of the armed forces.

### **Exceptions**

1. Matriculated students and students enrolled in a Middlebury program and living on a Vermont campus are permitted, in accordance with Vermont law, to possess weapons for hunting and sporting related activities only, such as target practice. Assault weapons and semi-automatic weapons with rapid-fire capability are expressly prohibited. A handgun is only allowed to be on campus if it is a duty weapon issued or authorized by the student-owner's employer.
2. All permitted weapons must be registered with and stored at the Department of Public Safety located at 125 South Main Street, Middlebury, Vermont. Requirements for storage in Vermont can be found on the Department of Public Safety website. The Institute of International Studies at Monterey does not allow or provide for weapons storage.
3. Due to their realistic likeness to weapons and potential for causing community alarm, possession or use of toy or replica weapons in a Middlebury-sanctioned activity or academic program must be approved in advance by the Director of Public Safety in Middlebury, or Campus Security in Monterey.

### **Definitions**

Definitions of key terms are provided below.

"Explosive" is defined as any material, liquid, or substance that causes a sudden, instantaneous release of air, pressure, gas, and heat, including bombs, grenades, rockets and fireworks.

"Firearm" is defined as any weapon, whether loaded or unloaded, which will expel a projectile by the action of an explosive such as but not limited to a pistol, revolver, handgun, rifle (bolt action, lever action, pump action, semi-automatic, and single-shot), gun, machine gun or shotgun.

"Knife" is defined as a blade six inches or longer in length or with blades less than six inches that, by design, can be used as weapons, such as switchblades or double-edged blades.



“Middlebury property” is defined as any property, facility, or grounds owned, leased, controlled or subcontracted by Middlebury. This includes the campuses of Middlebury College, Bread Loaf, and the Institute of International Studies at Monterey, as well as the Middlebury C.V. Starr Schools Abroad.

“Weapon” is defined as any firearm, explosive, knife, sword, club, bow or other object that has been designed with the intent to inflict bodily harm or physical damage to property.

The full text of the Weapons Policy is available at:

<http://www.middlebury.edu/about/handbook/policies-for-all/health-safety/weapons>.

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

The Middlebury Institute of International Studies (“Middlebury”) prohibits 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* (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.

The full text of Middlebury’s *Policy Against Sexual Misconduct, Domestic and Dating Violence and Misconduct, and Stalking* is available at: <http://www.middlebury.edu/about/handbook/policies-for-all/non-discrim-policies/smdvs>

## **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.

Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees. More specifically, Middlebury's educational programs include, for example, the following:

#### Mandatory Education for New Students

Live trainings and information regarding sexual violence prevention and response have been provided to incoming Middlebury Institute students. The training includes information about Middlebury's *Policy Against Sexual Misconduct, Domestic and Dating Violence and Misconduct, and Stalking* (see link above and as described further in this Annual Security Report), the Title IX Coordinator, internal reporting information, external reporting to law enforcement and other agencies, definitions of, and a statement that, Middlebury prohibits sexual misconduct (including sexual assault, domestic violence, dating violence and stalking) as defined by the Clery Act, Middlebury's policy and under California law, the definition of consent under the policy and California law, retaliation, confidentiality, resources for victims, prevalence, cultural conditions that contribute to sexual violence interim measures and accommodations, protection and "no contact" orders, confidentiality issues, Middlebury's investigation and adjudication procedures, information about rights and options for survivors, remedies and sanctions imposed in cases where the respondent is found to have violated Middlebury's policy, risk reduction, and bystander intervention.

The Middlebury Institute has mandatory online training, which is supplemented by presentations that focus on such topics as Middlebury's policies, Title IX, the Title IX Coordinator, Middlebury's commitment to maintaining a safe and healthy community, rights and responsibilities, reporting and contact information, the investigation and adjudication process, and bystander intervention. The following online course is now 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

Live trainings/information regarding sexual violence primary prevention, risk reduction, and response are/were provided to new faculty and selected staff. These trainings include information about the Middlebury's *Policy Against Sexual Misconduct, Domestic and Dating Violence and Misconduct, and Stalking*, the Title IX Coordinator, internal reporting information, external reporting to outside enforcement agencies, definitions of, and a statement that Middlebury prohibits, sexual misconduct (including sexual assault), domestic violence, dating violence and stalking) as defined by the Clery Act and Middlebury's policy and under California law (information on California law is provided in writing to faculty and staff), the definition of consent under the policy and California law, retaliation, confidentiality issues, resources for victims, Middlebury's investigation and adjudication procedures, interim measures and accommodations, protection and "No Contact" orders, information about rights and options for survivors, and remedies and sanctions imposed in cases where the respondent is found to have violated Middlebury's policy.

The Middlebury Institute has mandatory online training for all faculty and staff, which is supplemented by on-site trainings. The training is offered by LawRoom/Everfi and is titled *Intersections: Preventing Harassment and Sexual Violence*. This online training 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. Supervisors also take an online anti-bullying training.

The DFEH anti-harassment/discrimination information booklet is provided to all new hires (students included) along with the Labor Commissioner's Office notice regarding "Rights of Victims of Domestic Violence, Sexual Assault and Stalking."

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 Drug Use Policy*, reporting and contact information, links to campus and local resources, and information about the Title IX Coordinator and Title IX designees.

### Other Programs and Initiatives

#### Prevention and Awareness Campaigns

The Middlebury Institute also offers prevention and awareness campaigns. For instance, during Sexual Assault Awareness Month (SAAM), the Middlebury Institute partnered with the Monterey County Rape Crisis Center to host a Clothesline Project and Denim Day on campus. Additionally, during SAAM, the Institute had weekly message campaigns about how to help prevent sexual assault and violence coupled with informational posters posted around campus.

### **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 Campus Security (831.647.4153) 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 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 apartment or elsewhere, talk with a dean, Campus Security 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., Monterey Rape Crisis Center) 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 OK.
- 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*.

Note: As of August 17, 2018, all references to "Judicial Affairs Officer" ("DTC") in Middlebury's Policy Against Sexual Misconduct, Domestic and Dating Violence and Misconduct, and Stalking, as well as related contact, reporting, and resources information were changed to "Deputy Title IX Coordinator" ("DTC").

## **Immediate Safety and Support/Importance of Preserving Evidence**

- **Go to a safe place:** your residence, a friend's residence, Campus Security, 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 Campus Security (if you are on campus: 831.647.4153). 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 be immediately 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 “[Steps to take after a sexual assault](#),” and the State of California Women’s Rights Handbook, Chapter 7 (you may access this site by typing <http://ag.ca.gov/publications//womansrights/ch7.php#7> into your web browser). **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 the Mental Health Crisis Line at the [Community Hospital of the Monterey Peninsula](#) (831-625-4623), [Monterey Rape Crisis Center](#) (831-375-HELP), and/or the [National Domestic Violence Hotline](#) (1-888-743-5754). See also “On and Off Campus Support Services,” below. 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 take other action that may compromise evidence.

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 Institute (also referred to herein as “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; a Deputy Title IX Coordinator; and/or the Title IX Coordinator. Reports also may be made



to [Campus Security](#). Reports may be made verbally (in person, or by phone or videoconferencing) or in writing (via mail or email). Contact information is listed below.

Campus Security or other appropriate personnel for the Middlebury Institute will coordinate its response to the report with other officials, as appropriate (including a Human Relations Officer, Deputy Title IX Coordinator, the Title IX Coordinator, and the Institute's [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](#) 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 DTC, HRO, Title IX Coordinator, or Campus Security. Contact may be made via email, phone, teleconference or in person. See contact information below.

### **A. Contacting the Police**

**Emergencies: dial 911.** In non-emergency situations, please call the [Monterey Police Department](#) at 831.646.3914.

### **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//womensrights/ch7.php#7](http://ag.ca.gov/publications//womensrights/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 they may be tried for the rape.

Certain hearsay testimony by law enforcement officers having specified experience or training may to 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, 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.

Source: State of California Department of Justice Women's Rights Handbook, Chapter 7.

See also generally: *Reporting to Law Enforcement*: <https://www.rainn.org/articles/reporting-law-enforcement>

### **Reporting Domestic/Dating Violence**

The following summary was obtained from the State of California Women's Rights Handbook, Chapter 7 (for access to the full text please type [http://ag.ca.gov/publications//womansrights/ch7.php#7\\_2](http://ag.ca.gov/publications//womansrights/ch7.php#7_2) 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.

### **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 the citizen's presence, who has committed a felony, even if not in the citizen's presence, or when a felony has been committed, and the citizen reasonably believes the person to have committed it.

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. 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.

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 imprisonment in the state prison, or by a one-year sentence in the county jail, or by both the fine and the imprisonment.)

### **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 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 will be released immediately.

## Sentencing

Detailed information about sentencing is available in Chapter 7, Section 2 of the State of California Women's Right's Handbook.

## Stalking

According to the [National Center for Victims of Crime](http://victimsofcrime.org/our-programs/stalking-resource-center/help-for-victims/state-information/california) (<http://victimsofcrime.org/our-programs/stalking-resource-center/help-for-victims/state-information/california>):

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; however, victim advocates are available to talk to you about your state's criminal and civil stalking laws. Victim advocates can also assist you with [safety planning](#), 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](#)
- [California Coalition Against Sexual Assault](#)

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.

See also <http://victimsofcrime.org/our-programs/stalking-resource-center/help-for-victims/state-information/california>

## **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 DTC, a HRO, the Title IX Coordinator (or on-site designee) or program director, or Campus Security staff. 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*: <http://sashaa.org> 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 DTC, HRO, Title IX Coordinator, Campus Security staff member or program director. See contact information below.

The following information was obtained from the [California Courts/The Judicial Branch of California](http://www.courts.ca.gov/selfhelp-domesticviolence.htm) ([www.courts.ca.gov/selfhelp-domesticviolence.htm](http://www.courts.ca.gov/selfhelp-domesticviolence.htm)). 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/1044.htm>.
- 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/1045.htm>.

If you are not sure what kind of restraining order you should get, talk to a lawyer (<http://www.courts.ca.gov/selfhelp-findlawyer.htm>). 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 (CLETS)* ([Form DV-600](#)) 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 (also called a “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: www.thehotline.org/](#)).

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](#): [www.thehotline.org/](http://www.thehotline.org/)

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:**

- [VINE \(Victim Information & Notification Everyday\)](#): 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](#)

### [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](#):<https://pathwaystosafety.org/sashaa-program/>. 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](mailto: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 Institute Officials or Law Enforcement**

### **Campus Security and Local Law Enforcement**

#### **On Campus**

Campus Security  
460 Pierce St Monterey, CA 93940  
831.647.4153  
**Emergency: Call 911**

#### **Off Campus**

Monterey Police Department  
351 Madison Street  
Monterey, CA 93940  
831.646.3914  
**Emergency: Call 911**

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

## **Contact Information for Middlebury Institute Officials**

### **Human Relations Officers/Title IX Coordinator Designees**

Ashley Fera Arrocha (Title IX Coordinator Designee for the Middlebury Institute)  
Associate Dean of Student Services  
Office of Student Services  
440 Van Buren Street  
Monterey, CA 93940  
831.647.4654  
[aarrocha@miis.edu](mailto:aarrocha@miis.edu)

Michael Ulibarri  
Human Resources Manager  
Human Resources Department  
460 Pierce Street  
Monterey, CA 93940  
831.647.6404  
[mulibarr@miis.edu](mailto:mulibarr@miis.edu)

Earl Fechter, J.D.  
Middlebury College  
Service Building 216  
802.443.3426  
[efechter@middlebury.edu](mailto:efechter@middlebury.edu)

**Deputy Title IX Coordinator**

Karen S. Guttentag  
Middlebury College  
Service Building 219  
802.443.2024  
[kguttent@middlebury.edu](mailto:kguttent@middlebury.edu)

Brian Lind  
Associate Dean for Judicial Affairs and Student Life  
Middlebury College  
Service Building 217  
802.443.5385  
[blind@middlebury.edu](mailto:blind@middlebury.edu)

**Title IX Coordinator**

Susan P. Ritter, J.D.  
Middlebury College  
Service Building 213  
Middlebury, VT 05753  
802.443.3289  
[sritter@middlebury.edu](mailto:sritter@middlebury.edu)

**Alternate Human Relations Officer**

Laura Carotenuto  
Middlebury College  
Human Resources  
Marble Works 120  
Middlebury, VT 05753  
802.443.2012  
[lcaroten@middlebury.edu](mailto:lcaroten@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, 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 SMVS 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 DTC or the Title IX Coordinator, and they are “responsible employees” to this extent. The Title IX Coordinator, HROs, and the DTC 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 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 Deputy Title IX Coordinator, 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, DTC, and/or Title IX Coordinator may consult with Middlebury's or the Institute's [Threat Assessment Team](#) 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, DTC, and/or Title IX Coordinator may consult with Middlebury's or the Institute's [Threat Assessment 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 ("Services and Accommodations"), 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 Campus Security 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, DTC, program director, or the Title IX coordinator, as appropriate. The request will be evaluated and responded to by the HRO, DTC, 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: the DTC, a HRO, Title IX Coordinator, dean, Campus Security 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**

Center for Advising and Career Services  
McCone Building, 3rd Floor  
499 Pierce Street  
Monterey, CA 93940  
831-647-4127  
[www.miis.edu/careers](http://www.miis.edu/careers)

### **Disability Services**

Ashley Arrocha (Students)  
Associate Dean of Student Services  
Office of Student Services  
440 Van Buren Street  
Monterey, CA 93940  
831-647-4654 or 831-647-4128  
[aarrocha@miis.edu](mailto:aarrocha@miis.edu)  
[student.services@miis.edu](mailto:student.services@miis.edu)  
[www.miis.edu/student-life/health-wellness/disability-services](http://www.miis.edu/student-life/health-wellness/disability-services)

Michael Ulibarri  
Human Resources Manager  
Human Resources Department  
Casa Fuente Building CF437  
Monterey, CA 93940  
831.647.6404  
[mulibarr@miis.edu](mailto:mulibarr@miis.edu)

### **Student Financial Aid Services**

Regina Garner  
Director of Student Financial Services

Student Financial Services  
Casa Fuente Building CF435  
Monterey, CA 93940  
831-647-4119

[rlomboy@miis.edu](mailto:rlomboy@miis.edu)  
[finaid@miis.edu](mailto:finaid@miis.edu)

**Visa and Immigration Assistance**  
[International Student and Scholar Services](#)

Middlebury College  
Service Building-Second Floor  
Middlebury, VT 05753  
802.443.5858  
[isss@middlebury.edu](mailto:isss@middlebury.edu)

Kelly O'Connell  
[International Student Advisor](#)  
Office of Student Services  
440 Van Buren Street  
Monterey, CA 93940  
831.647.3586  
[koconnell@miis.edu](mailto:koconnell@miis.edu)

**Medical Care and Support (Confidential)**  
[Monterey Rape Crisis Center](#)  
24 Hour Crisis Line: 831.375.HELP or 831.424.HELP

[Community Hospital of the Monterey Peninsula \(CHOMP\)](#)  
23625 Holman Highway  
Monterey, CA 93940  
831. 624.5311 or 888.45CHOMP  
Mental Health Crisis Line: 831.625.4623

*YWCA domestic violence crisis line:* 831.372.6300  
57 Webster Street  
Monterey, CA 93940 (men & women)

[Monterey County Social Services](#)  
1281 Broadway Ave.  
Seaside, CA 93955  
831.899.8001

[Shelter Outreach Plus Domestic Violence Shelter](#)  
3087 Wittenmyer Court  
Marina, CA - 93933  
(831) 384-3388

Women's Crisis Center  
831.757.1001

[Salinas Valley Memorial Hospital](#)

450 E Romie Lane  
Salinas, CA 93901  
831.757.4333

[Planned Parenthood \(Seaside\)](#)

625 Hilby Avenue  
Seaside, CA 93955  
831.394.1691

[Planned Parenthood \(Salinas\)](#)

316 N. Main St.  
Salinas, CA 93901  
831.758.8261

[Suicide Prevention Service](#)

24-Hour Suicide Crisis Line: 1.877.663.5433

**Counseling (Confidential)**

*Student Assistance Program: Well Connect: 1.800.326-6142*

[Employee and Family Assistance Program](#) (Faculty and Staff):

[www.middlebury.edu/offices/business/hr/staffandfaculty/benefits/EFAP](http://www.middlebury.edu/offices/business/hr/staffandfaculty/benefits/EFAP)

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](#)

<http://www.courts.ca.gov/selfhelp-lowcosthelp.htm>

[Law HelpCA.org \(legal aid and self-help resources\)](#)

<http://lawhelpca.org/>

[California Bar Association](#)

415-538-2000

<http://www.calbar.ca.gov/>

## 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;
- Conduct 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.

The full text of Middlebury's SMDVS policy is available at:

<http://www.middlebury.edu/about/handbook/policies-for-all/non-discrim-policies/smdvs>.

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 (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 the Deputy Title IX Coordinator, 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 reported that they were subjected to sexual assault, domestic violence, dating violence, stalking, or related retaliation 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 reportedly committed sexual assault, domestic violence, dating violence, stalking, or related retaliation 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](http://www.middlebury.edu/about/handbook/policies-for-all/non-discrim-policies/smdvs#Investigation) online at <http://www.middlebury.edu/about/handbook/policies-for-all/non-discrim-policies/smdvs#Investigation>). 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 DTC; 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/DTC will promptly determine whether the report or complaint alleges conduct that may be prohibited by the SMDVS policy. The HRO/DTC 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/DTC, 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.
- Requests for accommodations will be addressed in accordance with [Section 6](#) of the SMDVS policy. See also Services and Accommodations.
- If it is determined that an investigation and adjudication should proceed under the policy, the HRO/DTC 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/DTC 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, DTC, 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 DTC/HRO; concerns about the DTC 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, DTC 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, DTC, 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 DTC.
- 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 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 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 DTC 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 DTC/ 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 DTC 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/DTC. 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/DTC.

### **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 DTC

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](#) 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](#) of the SMDVS policy.
- 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 DTC a Sanction Statement sharing any thoughts they would like to have considered in the determination of a sanction. The DTC will then provide the case materials, including the Sanction Statements, to the appropriate supervisory authority for the program at issue (e.g., the Middlebury Institute's Human Resources Department). The DTC 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 by a Middlebury College faculty member in accordance with [Section 10 \(G\) 3](#), if an appeal was granted), each party may

submit to the DTC a Sanction Statement sharing any thoughts they would like to have considered in the determination of a sanction. The DTC 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 Vice President of Academic Affairs (VPAA)/dean of Faculty, the Vice President for Academic Affairs/dean of the Institute, interim Vice President for Academic Affairs/dean of the Language Schools, interim EVP/Provost, interim Dean of International Programs). The DTC 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 DTC a Sanction Statement sharing any thoughts they would like the appropriate authority to consider when assigning a sanction. The DTC will then provide the case materials, including the Sanction Statements, to the appropriate supervisory authority or authorities (e.g., interim vice president for student affairs and dean of students, dean of Enrollment, Advising and Student Services at the Institute, interim vice president of academic affairs and dean of language schools, and interim dean of International programs or program director, as appropriate). The DTC 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 \(I\). 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 DTC will notify the parties in writing of any extension of this time frame and the reason for such extension. The DTC 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 DTC/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, DTC, 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 police 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 police or local law enforcement;

- Possible sanctions or protective measures that Middlebury may impose following a final determination under its *Policy Against Sexual Misconduct, Domestic and Dating Violence and Misconduct, and Stalking*;
  - 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 Laws**

### **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: [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.

### **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 appraising 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: [Secs. 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.

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.

California Penal Code: [Secs. 13700 & 243\(f\)\(10\)](#)

**Stalking:** “Stalking” means willfully, maliciously, and repeatedly following or maliciously 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, or pagers.

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.”

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 [Monterey Police Department: www.monterey.org/police](http://www.monterey.org/police)(831.646.3914).

### **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, 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-policies/anti-harassment-discrimin>; however, where applicable law mandates different procedures and/or policies those procedures and/or policies will apply.

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 Institute offices, including the [Associate Dean of Student Services and Alternate HRO for the Institute](#), [Human Resources Manager and Alternate Human Relations Officer for the Middlebury Institute](#), [Title IX Coordinator/Compliance Officer](#), [Human Relations Officer or Deputy Title IX Coordinator](#) and the appropriate supervisory authority for the Middlebury Institute.

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 Appendices [A](#) & [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.

## **All Middlebury Programs**

### **Human Relations Officers/Title IX Coordinator Designees**

Ashley Fera Arrocha (Title IX Coordinator Designee)

Associate Dean of Student Services

Office of Student Services

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Monterey, CA 93940

831.647.4654

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Earl Fechter, J.D.  
Middlebury College  
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### **Alternate Human Relations Officers**

Laura Carotenuto  
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Human Resources  
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Middlebury, VT 05753  
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### **Title IX Coordinator**

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Service Building 213  
Middlebury, VT 05753  
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### **Deputy Title IX Coordinator**

[Karen S. Guttentag](#)  
Middlebury College  
Service Building 219  
802-443-2024  
[kguttent@middlebury.edu](mailto:kguttent@middlebury.edu)

*See also Contact information for Reports to Middlebury Institute Officials or Law Enforcement, above.*

## **Alcohol and Drug Policies**

### **Introduction**

Middlebury is committed to promoting individual and community health, safety, and responsibility. We require 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 are 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 prohibiting 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 health risks associated with alcohol and drug abuse and refer students and employees to resources and health services such as drug or alcohol counseling, treatment or rehabilitation, or reentry programs that are available to students and employees, as applicable.

### **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 residences owned or leased by Middlebury—without prior notice. Middlebury also reserves the right to furnish the police with information regarding alleged illegal activities.

Middlebury College Specific: In order to preserve the safety of our residents, the state of Vermont and the College both adhere 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. Bringing alcohol to a Middlebury event, or leaving a Middlebury event with alcoholic beverages provided at the event without approval.
- g. 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.
- h. 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.).
- i. Administering alcohol to individuals against their will and/or without their knowledge.
- j. Repeated unsafe intoxication.
- k. Middlebury-College Specific: The following actions are specifically prohibited at Middlebury College:

1. 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.
2. 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.
3. Possession of alcohol in first-year residence halls.
4. 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.
5. 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**

### **Responses to Alcohol and Other Drugs Policy Violations**



Student wellness and overall health inform the College's responses to the use of alcohol and other drugs. As such, the primary goal of the conduct system is to educate and engage students by providing information, tools, and space for facilitated reflection. The College utilizes evidence-based educational opportunities to support informed decision making regarding students' personal and academic success, as informed by 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.

To address concerning behaviors, students will complete an educational sanction designed to help them understand the effects of alcohol and other drugs on their mind, body and community, and to reflect on their individual goals and values. Failure to complete educational sanctions will result in an additional charge of failure to engage and may affect the student's current or future standing at Middlebury. Repeated documented incidents will result in a probationary period for students. Once a student has exhausted the educational interventions available to them through the College or refuses to engage in educational intervention methods, the student will, in effect, jeopardize their ability to remain a student in the College and will likely face discipline up to and including suspension or expulsion.

### **Sanctions for Students in the Undergraduate Program at Middlebury's Vermont Campus**

The [educational sanctions chart](#) provides a general outline of expected outcomes when incidents involving alcohol and other drugs 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. Outcomes may vary depending on the nature, severity, and impact, actual or potential, of the policy violation(s) and the student's conduct and health history.
3. The range of possible disciplinary sanctions is set forth and defined 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.

### **Sanctions for Students at Middlebury's Language Schools, Schools Abroad, Bread Loaf, School of the Environment and MiddCORE Summer Programs**

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).

### **Sanctions for Students at the Middlebury Institute of International Studies at Monterey**

Disciplinary sanctions for students who violate this policy will be imposed in accordance with the procedures set forth in the [Student Conduct Disciplinary Process](#). While discipline is cumulative at the Institute, 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. Outcomes may vary depending on the nature, severity, and impact, actual or potential, of any of the violations and the student's conduct and health history. Sanctions could also include referral to an educational or rehabilitation program.

The range of possible sanctions is set forth and defined in the "[Sanctions](#)" section of the [Student Conduct Disciplinary Process](#) 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. These sanctions are defined in the Student Conduct Disciplinary process and include a warning, reprimand, probation, loss of privileges, fines, restitution, discretionary sanctions, suspension, expulsion, and revocation of admission and/or degree. The Institute may also temporarily withhold awarding a degree otherwise earned until the completion of the process set forth in the Student Conduct Disciplinary Process, including the completion of all sanctions imposed, if any. More than one of the sanctions listed above may be imposed for any single violation. For more information regarding sanctions, please see the Student Conduct Disciplinary Process.

### **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/Services staff, Public Safety/Campus Security, 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 laws enacted by Vermont and California that provide 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 the Vermont statute, please see [18 V.S.A. § 4254](#). For more information about the California law, please see [HSC §11376.5](#).

### **Disciplinary Sanctions: Faculty and Staff**

Disciplinary sanctions for faculty and staff will be imposed under Middlebury's and the Institute's established disciplinary practices and procedures for members of the faculty and staff, as applicable. 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:

[Employee Code of Conduct](#)

[Progressive Discipline](#)

[Discharge](#)

[Faculty Misconduct](#)

[Middlebury Institute Employee Handbook](#)

[Middlebury Institute Faculty Handbook](#)

### **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 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, staff member, faculty member 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, referral to support resources, or other appropriate course of action may be required.

Middlebury College Specific: 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

[Middlebury's Annual Drug-Free Schools and Communities Act Notice](#)

[Middlebury Institute's Annual Drug-Free Schools and Communities Act Notice](#)

[Middlebury Institute's Annual Drug-Free Schools and Communities Act Notice](#)

Printed copies Middlebury's [Alcohol and Other Drugs Policy](#) are available from:

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The Institute has an additional policy addressing alcohol at [events](#).

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

In addition, 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, which contains information about the Institute's AOD program, and accompanying materials are maintained in the Dean of Students Office at Middlebury College.

## 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 may have a legal right to search individuals, and with consent or proper documentation may search property—including Middlebury Institute controlled residences—without prior notice. Middlebury also reserves the right to furnish the police with information regarding alleged illegal activities.

Federal and California state 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](#)

First Offense	Second Offense	Additional Offenses	Convictions for Possession of Flunitrazepam	Ephedrine base, pseudoephedrine base, or phenylpropanolamine base
May be sentenced for up to 1 yr. in prison; shall be fined \$1,000, or both.	Prison sentence between 15 days and 2 yrs. and a minimum fine of \$2,500	Prison sentence between 90 days and 3 yrs. and a minimum fine of \$5,000	Prison sentence of not more than 3 yrs. and fines as provided generally in the statute for first or additional offenses, or both.	Unlawful purchase of more than 9 grams in a 30-day period. (Penalties for first and subsequent offenses as shown in this chart)

## [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.

### [Denial of Federal Benefits, Including Student Loans, Grants, Contracts, and Commercial and Professional Licenses \(21 U.S.C. §862\)](#)

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](#))**

<b>Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)</b>				
<b>Schedule</b>	<b>Substance/ Quantity</b>	<b>Penalty</b>	<b>Substance/ Quantity</b>	<b>Penalty</b>
II	Cocaine 500-4999 grams mixture	<b>First Offense:</b> 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	Cocaine 5 kilograms or more mixture	<b>First Offense:</b> 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
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
II	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	

I	Heroin 100-999 grams mixture	individual.  <b>Second Offense:</b> 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.	Heroin 1 kilogram or more mixture	individual.  <b>Second Offense:</b> 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.
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 kilogram or more mixture	<b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Substance/Quantity		Penalty		
Any Amount of Other Schedule I & II Substances		<b>First Offense:</b> 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.		
Any Drug Product Containing Gamma Hydroxybutyric Acid		<b>Second Offense:</b> 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.		
Flunitrazepam (Schedule IV) 1 Gram or less				
Any Amount of Other Schedule III Drugs		<b>First Offense:</b> 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.  <b>Second Offense:</b> 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.		
Any Amount of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)		<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.  <b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.		
Any Amount of All Schedule V Drugs		<b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.		

<p><b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>
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<p align="center"><b>Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances</b></p>	
<p>Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants</p>	<p><b>First Offense:</b> 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.</p> <p><b>Second Offense:</b> 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.</p>
<p>Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants</p>	<p><b>First Offense:</b> 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.</p> <p><b>Second Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50million if other than an individual.</p>
<p>Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants</p>	<p><b>First Offense:</b> 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.</p> <p><b>Second Offense:</b> 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.</p>
<p>Hashish More than 10 kilograms</p>	
<p>Hashish Oil More than 1 kilogram</p>	
<p>Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)</p> <p>1 to 49 marijuana plants</p> <p>Hashish 10 kilograms or less</p> <p>Hashish Oil 1 kilogram or less</p>	<p><b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.</p> <p><b>Second Offense:</b> Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.</p>



View the penalties for drug-related offenses, [21 U.S.C. Sec. 841\(full text\)](https://www.deadiversion.usdoj.gov/21cfr/21usc/841.htm), which is available at: [www.deadiversion.usdoj.gov/21cfr/21usc/841.htm](https://www.deadiversion.usdoj.gov/21cfr/21usc/841.htm)

#### [Distribution or Manufacturing in or Near Schools and Colleges: \(21 U.S.C. § 860\)](#)

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.

\*[Full text of Controlled Substances Act](#)

\*[Section 812. Schedules of Controlled Substances](#)

\*[List of Controlled Substances](#)

## **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.

<b>Offense</b>	<b>Fine/Drug Education/Prison</b>	<b>California Health and Safety Code</b>
Marijuana Possession Under Age 21  Note: Possession of up to 28.5 grams of cannabis is legal under state law for individuals 21 or older)	Drug education, counseling, community service, fines or prison depending on the amount possessed, the age of the guilty persons, and the number of offenses.	<a href="#">11357</a> (See Section <a href="#">11357.5</a> for information regarding selling, dispensing, furnishing, administering or giving synthetic cannabinoid compound or synthetic cannabinoid compound derivative).
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)	Drug education, counseling, community service, fines or prison depending on the amount, the age of the person, and/or the number of offenses.	<a href="#">11358</a>

Possession of Marijuana for Sale	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.	<a href="#">11359</a>
Transportation or Sale or Furnishing of Marijuana	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.	<a href="#">11360</a>
Hiring/Employing/Using Minors to Transport, Sell or Furnish, or Selling or Furnishing Marijuana to Minors	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.	<a href="#">11361</a>
Illegal Possession of Controlled Substances	Prison up to 1 yr. If convicted as a felony, prison term can be 16 mos., or 2 or 3 yrs.	<a href="#">11350</a>
Illegal Possession for Sale of Controlled Substances	Prison: 2, 3, or 4 yrs.	<a href="#">11351</a>
Illegal Sale and Transportation of Controlled Substances	Prison: 3, 4, or 5 yrs.  State prison for 3, 6, or 9 yrs. if transported from one county to a noncontiguous county	<a href="#">11352</a>
Illegal Manufacture of Controlled Substances	Prison: 3, 5, or 7 yrs. Maximum fine: \$50,000	<a href="#">11379.6</a>
Possession of Methamphetamine and Certain Other Specified	Prison: Up to 1 yr.; or Prison: 16 mos., or 2 or 3 yrs.	<a href="#">11377</a> <a href="#">11380</a>

Substances	Involving minors: Prison for 3, 6, or 9 years.	
Possession for Sale of Methamphetamine and Certain Other Specified Substances for Sale	Prison: 16 mos. or 2 or 3 yrs.	<a href="#">11378</a>
Sale, Transport, Furnishing of Methamphetamine and Certain Other Specified Substances	Prison: 2, 3, or 4 yrs. Transportation from one county to another county: prison term of 3, 6, or 9 yrs.	<a href="#">11379</a>
Illegal Possession with Intent to Manufacture PCP/Meth.	Prison: 2, 4 or 6 yrs.	<a href="#">11383</a>

## 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](#)

Offense	Fines/Prison	Community Service/Education	Other penalties may apply, including those under the Penal and Vehicle Codes (e.g., license suspension)	Statute: California Business and Professions Code
Sale/ Furnishing to Minor	Fine: \$1,000	At least 24 hours	Yes	<a href="#">25658</a>
Sale/ Furnishing to Minor with Injury or Death Resulting	Prison: 6mos.-1 yr. and/or fine of \$1,000		Yes	<a href="#">25658</a>
Purchase/ Consumption by Minor	Fine: \$250 and/or community service; increased fines for subsequent offenses	24-32 hours; additional hours for subsequent offenses	Yes	<a href="#">25658</a>

Attempted Purchase by Minor	Fine: \$250 and/or community service; increased fines for subsequent offenses	24-32 hours; additional hours for subsequent offenses	Yes	<a href="#">25661</a>
Possession by Minor in a Public Place	Fine: \$250 or community service; increased fines for subsequent offenses	24-32 hours; additional hours for subsequent offenses	Yes	<a href="#">25662</a>
False Identification	Fine: \$250 and/or community service; increased fines for additional offenses	24-32 hours; additional hours for subsequent offenses.	Yes	<a href="#">25661</a>

### **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.

<b>Offense</b>	<b>Fine/Prison</b>	<b>Education Program</b>	<b>License Suspension</b>	<b>Vehicle Impounded</b>
First Offense	Fine: \$390-\$1,000 Prison: 96 hrs.-6 mos.	Required	6 mos.	Vehicle may be impounded for up to 6 mos.
Second Offense	Fine: \$390-\$1,000 Prison: 90 days-1 yr.	Required	2 yrs.	Vehicle will be impounded for 1- 30 days if second offense occurred within 5 years of first offense
Third Offense	Fine: \$390-\$1,000 Prison: 120 days-1 yr.	Required	3 yrs.	Vehicle may be impounded for 1- 90 days, if the offense occurred within 5 yrs. of 2 or more prior offenses; vehicle may be sold if violation occurred within 7 yrs. of 2 or more separate offenses
Fourth Offense or more	Fine: \$390-\$1,000 Prison: 180 days to 3 yrs.	Required	License revocation for 4 yrs.	Vehicle may be impounded for 1-90 days, if offense occurred within 5 yrs of 2 or more prior offenses; vehicle may be sold if violation occurred within 7 yrs. of 2 or more separate offenses.
Refusal to Submit to				1 yr. suspension, 2

Alcohol Testing				yr. suspension if prior conviction within 10 yrs., 3 yr. suspension if three or more convictions within 10 yrs.
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## 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 Centers for Disease Control and Prevention (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  
www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm](http://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm)

### 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 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](https://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm)  
[www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm](https://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm)

See also:

[CDC: Alcohol and Public Health  
www.cdc.gov/alcohol/index.htm](http://www.cdc.gov/alcohol/index.htm)

[Rethinking Drinking  
rethinkingdrinking.niaaa.nih.gov/](http://rethinkingdrinking.niaaa.nih.gov/)

### 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  
www.standarddrinks.com/tool.asp](http://www.standarddrinks.com/tool.asp)

### 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.

[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:

Amphetamines	Heroin	Methadone
Barbiturates	Oxycodone	Methamphetamine
Bath Salts	Hydromorphone	Morphine
Benzodiazepines	Inhalants	Kratom
Cocaine	Ketamine	Opium
Barbiturates	Khat	PCP
Ecstasy	K2 or Spice	Peyote & Mescaline
GHB	LSD	Steroids (anabolic)
Hallucinogens	Marijuana	Stimulants

See also [National Institute on Drug Abuse](#): *The Science of Drug Abuse and Addiction*  
[www.drugabuse.gov/](http://www.drugabuse.gov/)

### **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 Institute of International Studies at Monterey**

#### Well Connect (Students)

Resources include connection with local service to help treat substance abuse.

866-640-4777; You may also visit [www.wellconnectbysrs.com](http://www.wellconnectbysrs.com) to get started. Contact Student Services for the MIIS student access code.

#### Employee and Family Assistance Program (Faculty and Staff):

[www.middlebury.edu/offices/business/hr/staffandfaculty/benefits/EFAP](http://www.middlebury.edu/offices/business/hr/staffandfaculty/benefits/EFAP)

Middlebury's Employee and Family Assistance Plan provides confidential counseling and referral services.

Administered by: [e4Health](http://e4Health.com); 1.800.828.6025

#### e4Health Log In:

Username: middlebury college

Password: guest

#### Monterey Bay Area Intergroup of Alcoholics Anonymous

831.373.3713

#### Monterey County Area Narcotics Anonymous

831.624.2055

#### Community Hospital of the Monterey Peninsula (CHOMP)

##### Recovery Center

[www.chomp.org/what-we-do/recovery-center/#.V1sBg-TDGqw](http://www.chomp.org/what-we-do/recovery-center/#.V1sBg-TDGqw)

831.624.5311 x3269

831.373.0924

#### Beacon House

Drug and Alcohol Abuse Treatment Center

1.866.333.5146

Alcoholics Anonymous/Local AA Meetings: [www.aamonterey.org](http://www.aamonterey.org)

## Fire Safety Report

## Fire System Descriptions at the Middlebury Institute Campus

Detailed information on each Institute-controlled residential property's fire system is in the chart below.

120v Standalone Unsupervised: Smoke or CO detectors not connected to a fire panel and do not report to Campus Security. These devices are located in all Institute-controlled residential properties.

Facilities Services regularly tests smoke and carbon monoxide detectors to make sure they are functional and make repairs when necessary. Facilities Services also tests fire extinguishers on a regular basis.

Student Residential Facilities	911 Address	Bldg Use	Fire Alarm Panel Type						House System Device Type (Common Space)		Student Room /Office Smoke Detection Type				Carbon Monoxide Detection				
			FCI 72 (Conventional)	FCI 7200 (Addressable)	Mircom FA 300 (Conventional)	Mircom FX2000 (Addressable)	Fire Suppression Panel	Advance (Addressable)	Conventional Zone	Addressable	120v Standalone Unsupervised	Battery Only Unsupervised	120v Unsupervised	120v Supervised	Central Building System	Wall Plug In Unsupervised	120v Smoke & C.O. Unsupervised		Wall ,Ceiling Mounted Supervised
		A-Academic/Office/Other H - Housing																	
544 Van Buren	544 Van Buren	H									X					X		0	
545 Union	545 Union	H									X					X		0	
547 Union	547 Union	H									X					X		0	
549 Union	549 Union	H									X					X		0	
473 Van Buren	473 Van Buren	H									X					X		0	
473½ Van Buren	473½ Van Buren	H									X					X		0	
524 Herrmann Drive	524 Herrmann Drive	H									X					X		0	
475 Larkin	475Larkin	H									X					X		0	

## Fire Evacuation Drills

Campus Security conducts one fire drill during the academic year for the Middlebury Institute campus. The two on-campus residential properties are included in the fire drill. Fire drills are not conducted in the six Institute-controlled residential properties that are not on campus.

Evacuation maps and Emergency Quick Reference Guides are located in each on-campus residential property.

## Fire Safety Education and Training Programs

All new employees are trained on fire safety and evacuation procedures. Annual training on fire safety, fire extinguisher and evacuation procedure is required for Facilities Services staff, Campus Security Staff, the Emergency Management Team, and the Safety Committee.

To help prevent fires on campus, please observe the following:

- Keep room entries, exits, and hallways free of potential obstructions, such as boxes, desks, chairs, and file cabinets.
- Don't overload outlets.
- Avoid using extension cords whenever possible.
- You may not use candles or halogen lamps on Institute property.
- No smoking in Institute buildings.

### **Fire Evacuation Procedure for students and employees**

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 point and check in with the Emergency Management Team (EMT) member there. Report anyone who might be missing.
- A member of the MIIS Emergency Management Team or Safety Committee will direct you to another safe location to shelter in inclement weather.
- Do not re-enter the building until Campus Security advises that the Monterey Fire Department has indicated that it is safe to re-enter.

### **Fire Safety Residential Policies**

The list of prohibited actions and items in MIIS-controlled residential properties is as follows:

- The room entry and exit must be clear.

- Smoking is prohibited in all campus buildings, including the Institute-controlled residential properties. This includes porches, balconies, decks, or within 20 feet of any part of the building structure. E-cigarette smoking is also prohibited in campus buildings.
- Fire Safety violations include but are not limited to: possession of new or burned candles, incense, halogen lamps, portable heaters, string lights (with the exception of rope lights), dangerous chemicals, fireworks or hazardous materials.
- Fire safety violations also include blocking the means of egress.
- Use of fire, or lighting a fire without an authorized fire permit, inside or outside of buildings, other than smoking in authorized outdoor spaces, is prohibited. The use of outdoor grills is limited to authorized locations at Institute-controlled residential properties and must be approved before use. The use of portable fire pits is prohibited.
- Tampering with fire- or life-safety equipment is prohibited and subject to fines. “Fire- and life-safety equipment” includes fire alarms, equipment, pull stations, extinguishers, and hydrants, smoke detectors, smoke detector batteries, carbon monoxide detectors, and sprinklers.
- Fire escapes may only be accessed during fire drills or a fire emergency.
- Failure to exit when the alarm is sounding will result in fines.

## Fire Log

Any time that there is an incident of fire on campus, the information is recorded in the fire log. The logs are organized chronologically by year, beginning in 2016, and are maintained in the Security Office. Within each log, the incidents are organized chronologically by date, and the most recent occurrence is located at the bottom of the list.

## Fire Statistics

### Statistics and Related Information Regarding Fires in MIIS Residential Facilities 2017

Residential Facilities	911 Address	Total Fires in Each Building	Fire number	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
544 Van Buren	544 Van Buren	0	0	N/A	0	0	0
545 Union	545 Union	0	0	N/A	0	0	0
547 Union	547 Union	0	0	N/A	0	0	0
549 Union	549 Union	0	0	N/A	0	0	0
473 Van Buren	473 Van Buren	0	0	N/A	0	0	0
473½ Van Buren	473½ Van Buren	0	0	N/A	0	0	0

524 Herrmann Drive	524 Herrmann Drive	0	0	N/A	0	0	0
475 Larkin	475 Larkin	0	0	N/A	0	0	0

**There were no on-campus Institute-controlled residential properties prior to 2016.**

## **Reporting Fires**

Emergencies: Dial 911

Students and employees should also report fires to any of the following Institute officials:

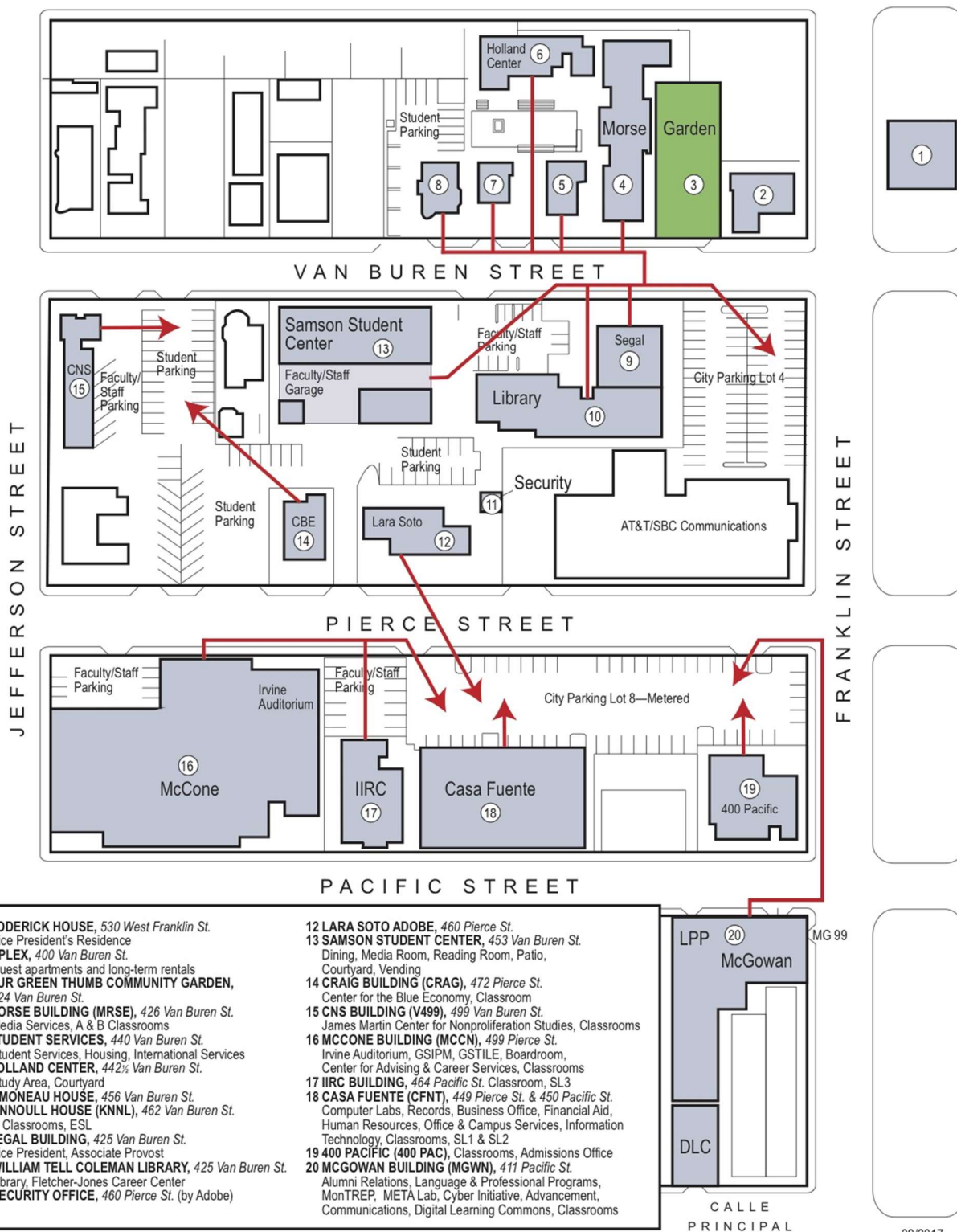
Campus Security: 831-647-4153 or [security@miis.edu](mailto:security@miis.edu)

Barbara Burke: 831-647-3513 or [blburke@miis.edu](mailto:blburke@miis.edu)

Andrew Hernandez: 831-647-6621 or [ahernandez@miis.edu](mailto:ahernandez@miis.edu)

The Middlebury Institute does not have plans to upgrade the fire safety systems in the coming year.

# MIDDLEBURY INSTITUTE OF INTERNATIONAL STUDIES CAMPUS MAP



09/2017