



Middlebury

●●● Your Rights,
and Options to Consider

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●●● Your Rights, and Options to Consider

This notice of your rights and options is being shared with you because Middlebury has received a report that you may have experienced sexual misconduct (including rape, fondling, and sexual exploitation), dating or domestic violence or misconduct, or stalking, or because you otherwise may find the information to be helpful. This booklet, which includes information about making a report, obtaining supportive measures, filing a complaint, and about applicable Middlebury policies and law enforcement procedures and options, can be useful to you as you assess your needs and wishes. The resources, policies, and protocols referenced herein apply to all Middlebury students, employees, and covered third parties in our Vermont-based schools and programs, of all gender identities and expressions and sexual orientations.

Getting Care and Support

- If you have experienced sexual misconduct, dating or domestic violence or misconduct, or stalking, there are many resources on the Middlebury campus and in the town of Middlebury that can offer support, information, and care.

Immediate Safety and Support

- **Go to a safe place:** your room, a friend's room or a colleague's office, the Department of Public Safety, or anywhere you'll feel safe.
- **Call someone you trust.** No matter how late it is, you shouldn't be alone. Consider reaching out to a reliable friend, or to a confidential resource such as MiddSafe or WomenSafe.
- **If safety is an immediate concern** or you would like to report the incident to the police, call 911 to access the police or emergency medical services, or contact Middlebury's Department of Public Safety (802-443-5911).

Medical Care

- We encourage you to seek immediate medical attention, even if you're not sure if you have any physical injuries. The medical staffs at the Middlebury College Center for Health and Wellness and the Porter Medical Center (adjacent to the Middlebury campus) can provide care for any physical injuries you may have sustained, can test for sexually transmitted infections and/or pregnancy, and can provide an examination by a sexual assault nurse examiner (SANE).

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- A SANE is a nurse who is specially trained to collect forensic evidence. This evidence may be helpful to you now or in the future if you choose to take further action. If you wish to have a SANE exam, and the incident occurred within the last 24 hours, if possible try to preserve any evidence before your medical exam by not washing or changing clothes, brushing teeth or hair, eating, or taking other actions that might compromise evidence. Even if more time has passed, it may still be possible to collect evidence, and it is certainly possible to receive medical care and testing. Collecting evidence in no way obligates you to make a report to Middlebury or file a complaint with the police, but it preserves this information in the event that you decide to do either of those things, or seek a protection order, at a later date.

Mental Health Counseling, Advocacy, and Other Support Services

- We encourage you to consider talking with a confidential counselor on or off campus. You have complete control over what information you do or do not choose to share. You may or may not feel ready to talk about what happened, but in either case, counselors can provide a confidential and safe space to explore any feelings or challenges that have arisen for you after your experience. They can also provide you with information and support as you consider your needs, and can help you to connect with other resources, including Middlebury College Center for Health and Wellness, Employee and Family Assistance Program (EFAP), and Counseling Service of Addison County (CSAC).
- If you're not sure what you need right now, but you would like some confidential information and/or support while exploring your options, consider contacting

MiddSafe or WomenSafe. MiddSafe advocates are trained Middlebury students and staff committed to providing a safe and confidential resource for students who may have experienced sexual misconduct, dating or domestic violence or misconduct, stalking, and/or other personal violations. They can provide information and support as you consider your needs, and can help you to connect with campus-based and external resources. MiddSafe operates during the academic year and offers more limited hours in the summer months. WomenSafe offers expanded information and advocacy services for individuals of all gender identities and sexual orientations in Addison County, including support navigating court cases, obtaining protection orders, and accessing temporary housing. WomenSafe provides services year-round.

- Religious and spiritual advisors are also confidential resources. Members of the chaplain's staff on campus, and members of the clergy off campus, can provide emotional support and help you to gather additional information and connect to resources.
- Contacting one or more of these or other confidential resources in no way precludes you from also choosing to make a report or a formal complaint with Middlebury or with local law enforcement. More information on making a report, or filing a formal complaint with Middlebury or a complaint with the police can be found later in this booklet.

Financial Concerns for Support Services

Many of the services, such as MiddSafe, Middlebury College Center for Health and Wellness, WomenSafe, and the College chaplains, are free. If concerns about expenses are keeping you from seeking care, please talk with a confidential MiddSafe or WomenSafe advocate, and, for employees, with EFAP. These

resources can advise you about cost coverage for those services that do require payment, and possible reimbursement through the Vermont Victim Compensation Program. The Civil Rights and Title IX Office may also provide supportive measures to assist with access to such services.

Supportive Measures

It is not necessary to file a formal complaint with Middlebury, participate in a Middlebury adjudication process, or file a criminal complaint with local law enforcement in order to request help from Middlebury. We will provide assistance to help you access support services and accommodations, which include but are not limited to the following:

- **Academic Accommodations:** If your experience is compromising your ability to meet your academic obligations, Middlebury may be able to provide you with support options. These may include but are not limited to assignment deadline extensions, work group adjustments, course changes or late drops, incompletes, or other arrangements as appropriate.
- **No Contact Orders and No Trespass Notices:** No Contact Orders (NCOs) are Middlebury's nondisciplinary measures to prevent two or more individuals from communicating directly or indirectly with each other. In most cases, NCOs are put in place at the request of one or both parties, but in some circumstances, Middlebury may put one in place to preserve the safety of both parties and other community members.

A No Trespass Notice (NTN) prohibits the presence of an individual on Middlebury property, and on properties on which Middlebury programs are occurring. Violating

an NTN or an NCO is a violation of Middlebury policy. NTNs are legally enforceable; a violation may therefore also lead to arrest and prosecution.

- **Residential Accommodations:** For persons living in Middlebury housing, these accommodations may include arranging for new housing, or providing temporary housing options, as appropriate. Temporary accommodations may sometimes include providing a second residential space for an individual to access on a short-term basis for additional privacy.
- **Visa and Immigration Assistance:** If you have questions or concerns about how your experience and needs may intersect with your visa and/or immigration status, please contact the Civil Rights and Title IX Office or International Student and Scholar Services (ISSS) for more information.
- **Student Financial Aid Assistance:** If you have questions or concerns about the impact of your experience on your student financial aid, please contact the Civil Rights and Title IX Office or Student Financial Services for more information.
- **Disability-Related Needs:** If you have a disability and have related concerns about your needs with regard to your experience, please share them with any of the resources on pages 20–23, as well as with the Civil Rights and Title IX Office or Disability Resource Center (students) or Human Resources (employees).
- **Advocacy Support:** MiddSafe advocates are trained students who provide free and confidential support, information, referrals, and advocacy in person, via the hotline, and online through the advocate website. WomenSafe advocates offer similar and expanded services for Addison County residents of all gender identities and

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sexual orientations. SafeSpace advocates provide free and confidential emotional support, advocacy, and resources for LGBTQ+ survivors of violence and discrimination.

- ***Additional Measures:*** Middlebury can make other arrangements, such as changing transportation or working arrangements or providing other employment accommodations, on a case-by-case basis to provide individuals with distance from another party or to meet related needs.

If you would like to request these or any other accommodations or assistance, please contact the Civil Rights and Title IX Office. Students may also reach out to their Dean of Student Life, or a program director. All employees may also contact Human Resources. Faculty members who need assistance may choose to contact the Dean of the Faculty or Provost. Each request will be evaluated and responded to after appropriate consultation, as needed. Factors to be considered may include the following:

- the specific need expressed by the party;
- the severity and/or pervasiveness of the allegations;
- any continuing effects on the party;
- whether the parties share the same residence hall, dining hall, class, extracurricular activities, transportation and/or job location;
- whether other judicial measures have been taken to protect a party or the parties; and whether other measures are reasonably available to support the individual.

When an individual reportedly subjected to sexual assault, domestic or dating violence, or stalking makes a request for accommodations like those described above, Middlebury will consider the request and provide those supportive measures

which are reasonably available and reasonably allow for the preservation or restoration of access to or participation in Middlebury programs. Middlebury will maintain as confidential any services, accommodations, or protective measures provided to complainants, to the extent that maintaining such confidentiality would not impair Middlebury's ability to provide them.

Additional Information

- **Preserving Evidence:** In addition to trying to preserve any of the physical evidence referenced above (“Medical Care”), you may want to preserve all evidence related to an incident or incidents, including any electronic information, text messages, social media posts, phone records, emails, clothing, or other documentation or materials. Even if you don't wish to pursue a complaint with Middlebury or local law enforcement or seek an order of protection (see below) at this time, it may be a good idea to preserve the evidence in a safe place in case you change your mind at a later date. You may also want to consider writing down and preserving 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.
- **Orders of Protection:** In addition to (or instead of) a Middlebury No Contact Order, No Trespass Notice, or other Middlebury processes, individuals who are being or who may have been subjected to sexual misconduct, dating or domestic violence or misconduct, or stalking also have the right to pursue orders of protection (also called “restraining orders” and/or “relief from abuse orders”) from United States courts. These are different names for a court order that is designed to stop violent, harassing, and/or threatening behavior by one party (“the respondent”) against another

party (“the complainant”). It can also stop any contact or communication from the respondent to the complainant, and protect the complainant and the complainant’s family members, as appropriate, from the respondent. A court may award an order of protection on a temporary basis, in which case a judge institutes one immediately, and it is reviewed subsequently through a court hearing process to determine if it will remain in effect for a longer term. Middlebury will provide assistance as requested to individuals who wish to make contact with law enforcement authorities and other external resources to seek such orders, and Middlebury will respect and assist with the implementation of protection orders on premises it owns or controls, to the extent practicable. If you’d like to learn more about or obtain an order of protection, please contact the Civil Rights and Title IX Coordinator, a Human Relations Officer (HRO), Public Safety staff member, or program director.

For general information about orders of protection, including frequently asked questions, resources, and considerations, see information from the National Domestic Violence Hotline: [**go/protectionorder**](#) from the Middlebury website. For more information about protection orders and relief from abuse orders in Vermont (including how to apply for an order and how the order is enforced), please contact WomenSafe.

- **Privacy:** As you consider your choices and resources, you may have concerns about maintaining your privacy. Middlebury will handle information in a sensitive manner and will endeavor to protect your privacy to the extent we can do so and still meet our obligations to respond to reports of sexual misconduct, domestic and dating violence and misconduct, stalking, and/or related retaliation. Although the Clery Act (a federal statute) requires Middlebury to report annually the number of sexual misconduct, dating and domestic violence, and stalking reports we receive, and

to issue public campus warnings as appropriate, Middlebury will not include the names of complainants or other personally identifying information in either disclosure. However, if there is an independent investigation, lawsuit, or criminal proceeding related to sexual misconduct, domestic or dating violence or misconduct, stalking, or related retaliation, those involved or others may be required by law to provide testimony or documents (e.g., reports, witness statements, and any other information gathered or obtained by Middlebury in a particular matter).

- **Confidentiality:** You may want clarification about which resources are confidential (individuals who are legally and ethically bound to keep confidential all information shared with them in the course of providing counsel and support, except under certain unusual circumstances), and which resources are not (individuals who are required to report any incident they learn of that may involve sexual misconduct, domestic or dating violence or misconduct, or stalking to an HRO or the Civil Rights and Title IX Coordinator).
- **Confidential Resources:** In general, communications between a person seeking care and a medical or mental health professional, religious advisor, or trained sexual assault advocate are confidential. The medical, mental health, and religious professionals and MiddSafe advocates at Middlebury, and their off-campus counterparts, 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. They may also be required by law to report certain crimes (e.g., any allegation of sexual or physical abuse of a person under 18).

- ***Nonconfidential Resources:*** All faculty and staff members, including residential life staff and ombudspersons, who are not medical or counseling professionals, clergy, or MiddSafe advocates, are not permitted to honor requests for confidentiality. Nonconfidential 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 an HRO or the Civil Rights and Title IX Coordinator, all of whom are responsible for ensuring that individuals who may have experienced this prohibited conduct receive information about their rights, resources, and support options.

Filing a Complaint with Middlebury

- We are always deeply concerned when behavior that may constitute sexual misconduct, dating or domestic violence or misconduct, or stalking comes to our attention, and we would very much like to gather more information. Sexual misconduct (including sexual assault and sexual exploitation), domestic and dating violence and misconduct, stalking, and related retaliation are strictly prohibited under Middlebury's Non-Discrimination Policy. We encourage you to file a complaint with Middlebury by contacting the Civil Rights and Title IX Coordinator or a Human Relations Officer (HRO). Our policies are designed with the needs of students and employees in mind, and we make every effort to conduct investigations with care and sensitivity. If you are considering filing a complaint, but want to learn more about the investigation and adjudication process before doing so, we encourage you to request an informational meeting with the Civil Rights and Title IX Coordinator.

You do not need to share any information about your experience during this conversation, and you are welcome to bring a support person with you if that would be helpful.

- If you have concerns that you may be retaliated against by anyone at Middlebury for filing a complaint, please know that retaliation by any member of the Middlebury community against someone because they have reported an incident or participated in an investigation is explicitly prohibited. Middlebury will take steps to prevent retaliation and will take strong responsive action if retaliation occurs.

Reporting to Law Enforcement

- You also have the right to report the incident to the police and/or seek a protective order from a court (or choose not to do so). Middlebury will provide, upon request, assistance if you decide to pursue either option. These options are available to you regardless of whether you choose to file a complaint with Middlebury. If you would like to request such assistance, or would just like to learn more about these options, please contact Public Safety, a Human Relations Officer (HRO), or the Civil Rights and Title IX Coordinator. WomenSafe staff and volunteers can provide additional support with these processes to survivors of all gender identities, and can provide information and advocacy.
- For more information about reporting to law enforcement, including what to expect, considerations, and additional resources, please see additional resources at [go/sexualmisconduct](#).

Informal Resolution Options

Informal resolution is a voluntary option that does not involve a hearing process or other determination about whether or not a violation of Middlebury policy occurred. At any time prior to reaching a determination regarding responsibility, Middlebury may facilitate an informal resolution process where requested by one party and agreed to by the other party. If a party requests the initiation of an informal resolution process and the Civil Rights and Title IX Coordinator agrees that the matter is appropriate for informal resolution, both parties will be given information about Middlebury's informal resolution options.

A party may withdraw from the informal resolution process at any time prior to their execution of a written informal resolution agreement. After a final informal resolution is agreed to in writing between the parties, neither party may initiate a formal resolution process regarding substantially the same factual allegations. Agreement to participate in an informal resolution does not prevent you from filing a complaint with the police.

Middlebury's Investigation and Adjudication Process

Middlebury's process for addressing complaints of sexual assault, domestic and dating violence and misconduct, stalking, and related retaliation is summarized below. In the event of any differences between this summary and the more detailed terms in the Middlebury Handbook, the language in the Middlebury Handbook prevails over the language of this summary. Middlebury's procedures:

- are prompt, fair, and impartial from the initial investigation to the final result;
- are conducted by professionals who receive, at a minimum, annual training on issues related to sexual misconduct, dating and domestic violence and misconduct, and stalking, and on how to conduct a prompt, fair, and impartial investigation and adjudication

process that protects the safety of complainants and promotes accountability;

- where applicable, provide both parties with the same opportunities to have others present during any related meeting, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice;
- provide for simultaneous notification, in writing, to both parties of
 - the result of Middlebury's disciplinary proceedings,
 - Middlebury's procedures for the complainant and the respondent to appeal the result of our disciplinary procedures, if available,
 - any change to the result before it becomes final, and
 - when the result becomes final;
- are conducted in a manner that is consistent with Middlebury's policies and transparent to both parties;
- include timely notice of meetings at which the complainant and respondent may be present;
- provide timely and equal access to both parties and appropriate officials to any information that may be used during the process; and
- are conducted by professionals who do not have a conflict of interest or bias for or against the complainant or the respondent.

Middlebury utilizes trained, experienced investigators to conduct investigations into complaints of sexual misconduct, domestic and dating violence and misconduct, and stalking. When hearings are required, Middlebury utilizes trained, experienced administrators (Middlebury's Human Relations Officers or HROs) to serve as hearing officers and make the official determination as to whether the policies under investigation were violated.

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In general, these matters are resolved through the Title IX Investigation and Resolutions Procedure and the investigation process proceeds as follows:

- The investigator interviews parties and witnesses, and collects evidence.
- After the investigator has completed witness interviews and the gathering of evidence, the investigator will prepare a preliminary report.
- Middlebury will provide each party with an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised and the preliminary report.
- The complainant and the respondent will have an opportunity to review the preliminary report within the same time period and provide written responses to the report.
- After considering any written response submitted by either party the investigator will prepare a final report that fairly summarizes relevant evidence and provides a recommendation as to whether the respondent should be found responsible for violating the policy provisions at issue. This report is shared with the parties and the HRO serving as the hearing officer for the investigation at least 10 days prior to the hearing on the matter.
- The HRO presides over a hearing on the matter. Each party has the option, through an advisor, to cross-examine any witness or party whose statements will be considered in determining whether a violation has occurred. Statements from parties or witnesses who do not submit to cross-examination may not be considered by the HRO in making a determination. Parties are never required to directly interact with or be cross-examined by each other.
- Using the preponderance of the evidence standard (“more likely than not”), the HRO then makes the official determination as to whether

the policies under investigation have been violated. If a policy violation is found, the sanctions are determined by a designated Middlebury administrator based on the status of the respondent (e.g., whether the individual found to have violated policy is a student, faculty member, or staff member). The official determination regarding responsibility for a violation as well as any sanction to be imposed is communicated in writing to both parties simultaneously.

- Both parties are provided with equal appeal rights, as applicable, to the extent appeal rights are provided. The governing, detailed procedures are outlined further in the Title IX Formal Grievance Procedure.

Sanctions for students found to have violated the Non-Discrimination Policy could include written reprimands, probationary status, an official letter of discipline, or suspension or expulsion from any or all Middlebury program(s) in which the student is enrolled or participating. Other nondisciplinary actions deemed appropriate may also be implemented (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). 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 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 admission and/or other program participation parameters. Notification 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.

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Sanctions for employees found to have violated the Non-Discrimination Policy may include written reprimands, or suspension or termination of employment. Nondisciplinary measures (e.g., No Contact Orders or reassignment of duties or work areas) might also be taken as deemed appropriate under the circumstances.

There are some matters which may not be resolved through the Title IX Investigation and Resolutions Procedure in which case they will be resolved through other policies such as the Non-Discrimination Investigation and Resolutions Procedure or the General Conduct procedures.

Additional Questions

Middlebury's Civil Rights and Title IX Coordinator is available to answer any additional questions you may have. Please contact the coordinator to arrange for a connection in person or by phone or email.

If you have experienced sexual misconduct, domestic or dating violence or misconduct, or stalking, *you are not alone*. There are many resources at Middlebury on campus and off campus that can offer support, information, and care.

Emergencies: dial 911. In nonemergency situations, please call one of the following departments that serve Addison County. In most cases, you should contact the law enforcement department of the town where the crime occurred. Please note that each department has a specific service area, and its hours of operation may vary.

Middlebury Police Department

802-388-3191

Addison County Sheriff's Department

802-388-2981

**Denotes a confidential resource.*

Vermont State Police

(for incidents in communities adjacent to Middlebury, such as Cornwall, Ripton, New Haven, and Weybridge, and elsewhere in Vermont)

802-241-5000

Bristol Police Department

802-453-2533

Vergennes Police Department

802-877-2201

Resources

[go/sexualmisconduct](https://go.sexualmisconduct)

On Campus

Emergency Assistance

Department of Public Safety

802-443-5911

[go/publicsafety](https://go.publicsafety)

Medical Care

***Middlebury College Center for Health and Wellness**

Health Services: 802-443-5135 or [go/parton](https://go.parton)

Advocacy

***MidSafe (for students: academic year and some summer hours)**

802-377-0239

[go/midsafe](https://go.midsafe), or [go/onlineadvocate](https://go.onlineadvocate), or [go/summermidsafe](https://go.summermidsafe)

Emotional Care

***Middlebury College Center for Health and Wellness Counseling Services**

802-443-5141

[go/parton](https://go.parton)

***Employee and Family Assistance Program (employees only)**

[go/EFAP](https://go.EFAP)

**Denotes a confidential resource.*

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***College Chaplain**

802-443-5626

[go/chaplain](#)

Reporting

Civil Rights and Title IX Coordinator

Marti McCaleb

802-443-2147

mmccaleb@middlebury.edu

Human Relations Officers (Title IX Designees)

Eric López

802-443-3324

el@middlebury.edu

Thaddeus Watulak

802-443-5741

twatulak@middlebury.edu

Human Resources

(for Middlebury employees) 802-443-5465

[go/hr](#)

Informational Assistance

Student Life Deans

Scott Barnicle: 802-443-3310

Matt Longman: 802-443-3350

Jennifer Sellers: 802-443-3330

Emily Van Mistri: 802-443-3340

Dean of Students

Derek Doucet 802-443-3108

International Student and Scholar Services (ISSS) Advisor

Christy Fry

802-443-5288

cfry@middlebury.edu or [go/iss](#)

**Denotes a confidential resource.*

Student Financial Services

802-443-5158

studentfinancialservices@middlebury.edu or [go/sfs](#)

Vice President for Academic Affairs/Dean of the Faculty

Sujata Moorti

802-443-5735

smoorti@middlebury.edu

EVP and Provost

Jeffrey Cason

802-443-3216

cason@middlebury.edu

Off Campus

Emergency Assistance

911

Middlebury Police

802-388-3191

www.middleburypolice.org

Vermont State Police

802-241-5000

vsp.vermont.gov

Medical Care

***Porter Medical Center, Middlebury**

802-388-4701

www.portermedical.org

Advocacy and Information

***WomenSafe 24-Hour Hotline**

800-388-4205 (serves people of all gender identities)

www.womensafe.net

***National Domestic Violence Hotline**

800-799-SAFE

www.thehotline.org

**Denotes a confidential resource.*

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***SafeSpace at the Pride Center of Vermont**

866-869-7341

www.pridecentervt.org/programs/safespace

***Stalking Resource Center**

www.victimsofcrime.org/our-programs/stalking-resource-center

***Rape, Abuse, and Incest National Network (RAINN)**

800-656-HOPE (serves people of all gender identities) This comprehensive national resource includes a telephone and online hotline.

www.rainn.org

***Vermont Legal Aid**

800-889-2047

www.vtlegalaid.org

***Vermont Bar Association**

800-639-7036

www.vtbar.org

Emotional Care

***Counseling Service of Addison County (CSAC)**

802-388-7641

www.csac-vt.org

Reporting

Middlebury Police

802-388-3191

www.middleburypolice.org

Vermont State Police

802-241-5000

vsp.vermont.gov



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