

# *2024 Annual Security and Fire Safety Report*

*Bennington College · Bennington, VT*

*Containing information for the 2024 summer term  
and Clery Act statistics for the 2022 summer term  
and 2023 summer term.*



Middlebury  
Language Schools

## Table of Contents

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Title	Page
<b>Alphabetical Index .....</b>	<b>v</b>
<b>Important Numbers .....</b>	<b>vi</b>
<b>Message from the Associate Vice President of Safety .....</b>	<b>1</b>
<b>Bennington College, Office of Campus Safety, Bennington, Vermont .....</b>	<b>2</b>
Agreements with Law Enforcement .....	2
<b>Reporting Procedures .....</b>	<b>2</b>
Reporting Crimes and Emergencies .....	3
Accurate and Prompt Reporting.....	3
Non-campus Buildings or Property .....	4
Clery Crime Reporting .....	4
Bennington College Campus Safety Contact Information .....	4
Confidential Reporting .....	6
<b>Daily Crime Log .....</b>	<b>7</b>
<b>Emergency Phones.....</b>	<b>8</b>
<b>Emergency Response .....</b>	<b>8</b>
Emergency Notification Procedures.....	8
Adding or Changing Cell Phone Emergency Contact Information .....	9
<b>Timely Warning .....</b>	<b>9</b>
<b>General Emergency and Evacuation Procedures.....</b>	<b>9</b>
Fire Evacuation .....	10
Active Threat .....	10
Run, Hide, Fight* .....	11
Earthquake Preparedness .....	12
Testing Emergency Notification, Response, and Evacuation Procedures .....	13
<b>Emergency Operations Plan .....</b>	<b>13</b>
Team Training.....	13
Threat Assessment and Management (TAM) Team.....	14
<b>Campus Security and Access .....</b>	<b>15</b>
Building Security .....	15
Maintenance Issues.....	15
<b>Crime Statistics .....</b>	<b>15</b>
Crimes – Middlebury at Bennington College Campus.....	16
Definitions of Clery Geography Terms .....	16
Definitions of Criminal Offenses.....	17
Unfounded Crimes - Middlebury at Bennington College Campus.....	19



## Table of Contents — Continued

---

Title	Page
Definitions of Hate Crime Offenses .....	19
Hate Crimes- Middlebury at Bennington College Campus .....	19
Definitions of Violence Against Women Act (VAWA) Offenses .....	19
Definitions: Weapon, Drug, and Liquor Law Violations.....	21
<b>Crime Prevention .....</b>	<b>22</b>
Personal Safety .....	23
Walking or Running Safety .....	23
Residence Halls and Private Residences.....	24
Use of Athletic Facilities .....	25
In the Locker Room .....	25
Safety While Driving .....	26
Protection of Property.....	26
Internet Safety.....	27
Filing Complaints about Internet Fraud.....	27
Bicycling Security .....	28
Bicycling Safety .....	28
<b>Notification Regarding Missing Students.....</b>	<b>28</b>
<b>Educational Programs to Promote the Awareness and Prevention of Domestic Violence, Dating Violence, Sexual Assault, and Stalking.....</b>	<b>29</b>
<b>How to be an Active Bystander .....</b>	<b>30</b>
<b>Immediate Safety and Support .....</b>	<b>33</b>
<b>Medical and Support Resources .....</b>	<b>35</b>
SANE .....	35
<b>Confidentiality and Confidential Resources .....</b>	<b>36</b>
Confidential Resources.....	36
Non-Confidential Resources .....	37
<b>Options for Reporting VAWA Related Offenses .....</b>	<b>38</b>
Making a Report On Campus.....	38
Reporting to Law Enforcement .....	39
<b>Rights &amp; Options.....</b>	<b>41</b>
Services /Support / Accommodations .....	41
NCO / Trespass / Court Orders .....	41
<b>Non-Discrimination Policy (Handbook B.1.a.).....</b>	<b>44</b>
Behaviors Prohibited by Law and Policy.....	44
Defining of Prohibited Conduct .....	45
Investigation and Resolutions Procedures .....	47

## Table of Contents — Continued

---

Title	Page
<b>Non-Discrimination Investigations &amp; Resolutions Procedure (Handbook B.1.b)</b> .....	<b>50</b>
General Provisions.....	50
Procedures for Addressing Harassment, Discrimination and Related Retaliation .	54
Definitions of Prohibited Conduct .....	61
Retaliation .....	63
<b>Non-Discrimination Title IX Investigation and Response Procedure (Handbook B.1.b.(1))</b> .....	<b>64</b>
What This Procedure Covers .....	64
Reporting Title IX Sexual Harassment .....	65
Formal Complaints / Grievances & Pre-Investigation .....	70
Investigations .....	73
Hearings and Determinations of Responsibility .....	76
Sanctioning .....	80
Appeals .....	82
Admission of Responsibility.....	83
Informal Resolution .....	84
Training of Individuals Conducting Investigations and Adjudications and Facilitating Informal Resolution Processes.....	85
Record Keeping.....	85
<b>APPENDIX A</b> .....	<b>86</b>
A. DEFINITIONS .....	86
<b>Sex Offender Registry</b> .....	<b>88</b>
Campus Sex Crime Prevention Act .....	88
<b>Alcohol, Tobacco, and Other Drugs</b> .....	<b>89</b>
Introduction.....	89
Middlebury Policies and Local, State, and Federal Law .....	90
Disciplinary Sanctions: Students.....	93
Health and Community Responsibility .....	95
Information and Resources .....	96
Care and Treatment .....	99
<b>Weapons Policies</b> .....	<b>100</b>
Bennington College Weapons Policy .....	100
Middlebury College Weapons Policy .....	100
Definitions .....	100
<b>Fire Safety Report</b> .....	<b>101</b>
Residential Fire-Systems Descriptions at Bennington College Campus .....	101
Fire Evacuation Drills .....	102

## Table of Contents — Continued

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<b>Title</b>	<b>Page</b>
Fire Safety Education and Training Programs .....	102
Fire Evacuation Procedure for Students and Employees .....	103
Fire Safety Residential Policies .....	103
Fire Log .....	104
Residential Buildings .....	104
<b>Fire Safety Statistics .....</b>	<b>105</b>

## List of Tables

---

Table No.	Title	Page
Table 1.	Criminal Offense Reporting Table- Middlebury at Bennington College Campus .....	18
Table 2.	VAWA Offense Reporting Table .....	20
Table 3.	Arrest and Disciplinary Referrals Reporting Table.....	22
Table 4.	Statistics and Related Information Regarding Fires in Residential Facilities 2022* .....	105
Table 5.	Statistics and Related Information Regarding Fires in Residential Facilities 2023 .....	106

## Alphabetical Index

AOD	Alcohol and Other Drugs
BAC	Blood Alcohol Content
CDC	Center for Disease Control
CSA	Campus Security Authority
CSAC	Counseling Service of Addison County
CST	Central Standard Time
EMT	Emergency Management Team
FASD	Fetal Alcohol Spectrum Disorder
FBI	Federal Bureau of Investigation
HIV	Human Immunodeficiency Virus
HRO	Human Relations Officer
SANE	Sexual Assault Nurse Examiner
SEC	Securities and Exchange Commission
TAM	Threat Assessment and Management Team
VAPA	Visual and Performing Art Center
VAWA	Violence Against Women Act
VCIC	Vermont Crime Information Center
VPAA	Vice President of Academic Affairs
YPLL	Years of Potential Life Loss

## Important Numbers

### **Bennington Campus Resource for Middlebury Language Schools**

#### **Dial 911**

802.447.4250

802.442.1030

#### **Emergencies**

Bennington College Campus Safety

Bennington Police

#### **Health Services and Resources - Bennington, Vermont**

802.443.5141

802.442.5491

802.440.4077

Counseling Services, Middlebury, College

United Counseling Service of Bennington County

Southwestern Vermont Medical Center (SVMC) Express Care

### **Middlebury College, Middlebury Vermont Campus Resources**

#### **Middlebury College Summer Programs**

802.443.5510

802.443.5979

802.443.5649

802.443.5545

802.443.3100

802.443.5230

802.443.5520

802.443.5526

802.443.5203

Language Schools office- General info

VPAA/Dean of the Language Schools

Associate Dean, Language Schools

Language Schools Operations Director

Co-Directors, School of the Environment

Arabic School

Chinese School

French School

German School

School of Hebrew

802.443.3572

802.443.3593

3-week & 7-week programs

Graduate Coordinator

802.443.5874

802.443.5215

802.443.5292

802.443.2006

Italian Language School

Japanese School

Portuguese School

School of Russian

Spanish School

802.443.5538

802.443.5539

7-week program

Graduate Coordinator

802.443.5215

802.443.3100

School of Korea

School of Environment



## Important Numbers — Continued

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### **Middlebury College Public Safety and Local Law Enforcement**

802.443.5133	Public Safety (Business line)
802.443.5911	Public Safety (Emergency Line)
802.388.3191	Middlebury Police Department
802.388.4919	Vermont State Police Department
802.388.7931	Addison County State's Attorney's Office

### **Middlebury College Resources**

802.443.5465	Human Resources
802.443.5472	Facilities Services
866.660.9533	Invest EAP
802.443.2465	Vice President for Student Affairs
802.443.3108	Associate Vice President and Dean of Students
802.443.2147	Civil Rights & Title IX Coordinator
802.443.3324 or 802.443.5741	Human Relations Officers/Title IX Coordinator Designees
831.647.6404	Alternate Human Relations Officer/Human Resources
802.443.5936 or 802.443.2382	Disability Resource Center

### **Middlebury College Health Services and Resources (see Bennington Resources on page vi)**

802.443.5141	Counseling Number
802.388.7641	CSAC (Counseling Service of Addison County)
802.443.5135	Health Services
802.388.4701	Porter Medical Center Inc.
802.847.0000	University of Vermont Medical Center
802.775.7111	Rutland Regional Medical Center
802.377.0239	MIDDSAFE
During Business Hours	SANE (Sexual Assault Nurse Examiner)
802.443.5135	After hours, contact Public Safety at 802.443.5911
802.443.3020	Environmental Health and Safety
800.889.2047	Vermont Legal Aid
800.388.4205	Atria Collective (formerly WomenSafe)
800.799.7233	National Domestic Violence Hotline
800.656.HOPE	RAINN (Rape, Abuse, and Incest National Network)
802.863.0003	SafeSpace

## Message from the Associate Vice President of Safety

This Annual Security and Fire Safety Report contains information on security programs, policies, procedures, safety practices and fire systems for Middlebury College's Bennington campus in Bennington, Vermont. It also includes statistics for the previous two years\* concerning reported crimes that occurred on Bennington buildings and property owned or controlled by Middlebury – as well as statistics for reported crimes that occurred on public property within or immediately adjacent to and accessible from the Bennington campus.

This Annual Security and Fire Safety Report also contains the annual statistics of certain crimes committed at the non-campus buildings and properties owned or controlled by Middlebury that are used in direct support of or in relation to Bennington Campus's educational purposes, are frequently used by students, and are not within the same reasonably contiguous geographic area of the Bennington, Vermont campus. The report collects information on any reports of fires in student residential buildings at the Bennington 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 Middlebury College's Department of Public Safety in collaboration with Bennington College's Office of Campus Safety. Electronic copies of the Annual Security and Fire Safety Report are distributed via email to all students, faculty, and staff at the Middlebury, VT Campus and at the Bennington Campus. Printed copies are available and are provided upon request at the Middlebury Department of Public Safety, 125 Main Street, Middlebury, VT 05753 (email: [publicsafety@middlebury.edu](mailto:publicsafety@middlebury.edu) or phone: 802.443.5133). The report may also be accessed on the Department of Public Safety's website.

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 and Fire Safety Report or regarding safety and security at Middlebury, please contact me at 802.443.5201 or [dkirby@middlebury.edu](mailto:dkirby@middlebury.edu).

\*Middlebury did not own or control property on Bennington Campus prior to the Summer of 2022.

Sincerely,

*Demitria Kirby*

Associate Vice President of Safety  
125 South Main Street  
Middlebury College

## Bennington College, Office of Campus Safety, Bennington, Vermont

Campus Safety officers on Bennington Campus are available at all times, day and night. Campus safety officers do not act in the capacity of sworn law enforcement and thus do not have the power to make arrests but work closely with local law-enforcement agencies. Campus Safety officers have the authority to stop individuals on campus and to request identification. They also can issue parking tickets, tow cars and issue trespass notices.

Often, Campus Safety officers are the first responders to assist with fire, medical emergencies, and criminal activity. The department works with the Bennington Police Department, the Vermont State Police, the state's attorney of Bennington County, the Vermont Department of Liquor Control, the Bennington Fire Department, Bennington Area Rescue, and the Southern Vermont Medical Center.

### **Agreements with Law Enforcement**

Campus Safety has a cooperative agreement, not a memorandum of understanding, with the Bennington Police Department in the areas of criminal investigation, service of warrants, and events security. Campus Safety immediately reports serious crimes and missing persons to the Bennington police, and provides the department with reports of crimes on campus in accordance with Bennington or Middlebury's policies.

Campus Safety informs and encourages victims and witnesses to report criminal acts and suspicious behaviors to the Bennington Police. When the police must arrest people on campus, Campus Safety offers its assistance and cooperation.

### **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.

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

## **Reporting Crimes and Emergencies**

Members of the Bennington College community and guests to the campus are encouraged to report emergencies and suspected criminal activity to the Office of Campus Safety immediately. Campus Safety maintains an emergency phone number (dial 767 from campus phones or 802.447.4250) for immediate assistance. Outside emergency phones with the “blue light” are located throughout the campus. In addition, campus buildings have public campus phones with stickers indicating the phone numbers for Campus Safety. Members of the College community are also encouraged to report crimes that have already occurred to the Office of Campus Safety for the purpose of including the crimes in the annual statistical disclosure.

When reporting a crime or emergency:

- Remain calm.
- Give the location of the incident – building name, room number, and parking lot name, if applicable.
- Identify yourself and give a callback telephone number. Your identity will remain confidential if you wish; however, it is important that we are able to contact you if we need additional information.
- State the incident you are reporting (i.e., theft, medical emergency, fire).
- Describe the scene – who and how many people are there, if medical treatment is being given, description of subjects, and other information.
- State the subject’s direction of flight, if applicable.
- Stay on the phone until the coordinator has recorded all of the information.

## **Accurate and Prompt Reporting**

Anyone on campus can report emergencies and suspected criminal activity to the Office of Campus Safety. Campus Safety maintains an emergency number (dial 767 from campus phones or 802.447.4250) for immediate assistance. Additionally, there are six blue light phones on campus. Also, campus buildings have public campus phones with stickers indicating the phone numbers for Campus Safety. Members of the campus community are also encouraged to report crimes that have already occurred for the purpose of including the crimes in the annual statistical disclosure.

We encourage community members, students, faculty, staff, and guests to report all crimes, suspicious activity, and public safety-related incidents and hazards to Bennington College Campus Safety or other designated security department and/or official and local law enforcement accurately and in a timely manner (see contact information below). This should also be done when a victim elects to, or is unable to, make such a report.

If sexual assault (including rape, fondling, incest, and statutory rape), domestic violence, dating violence, stalking or other crimes occur, staff on the scene, including Campus Safety, will offer the victim services and options for filing a report. All crimes should be reported to the Bennington Campus Safety, Middlebury College Department of Public Safety, the Middlebury Civil Rights and Title IX Coordinator, or other designated Language School department coordinator or official to ensure inclusion in the annual crime statistics and to aid us in providing timely warning notices to the Bennington campus community as appropriate.

### **Non-campus Buildings or Property**

If a Middlebury student, staff member, or faculty member becomes aware of a crime or emergency or needs to make a request for related assistance connected with a non-campus location (that is, any building or property owned or controlled by Middlebury that is used in direct support of Middlebury's educational purposes and which is frequently used by students, but which is not within the same reasonably contiguous geographic area as one of Middlebury's campuses), they are encouraged to contact the police (dial 911). Other contacts are the on-site director or designee or the security or Campus Safety officials 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 the Snow Bowl and certain spaces used for the MiddCORE program at the Middlebury Institute of International Studies at Monterey, Schools Abroad programs, courses or events at the College's Washington, D.C., suite, certain hotels or other accommodations that are repeatedly used by sports teams or other Middlebury students, and property used for summer study courses, as applicable. Individuals are encouraged to report crimes to Middlebury departments or officials responsible for security-related issues or administration, and to local police agencies as appropriate and/or required by applicable law.

### **Clery 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 Bennington Campus Safety Director or Campus Safety department, the Middlebury Associate Vice President of Safety, Middlebury Public Safety Department or the Civil Rights and Title IX Coordinator, for inclusion in the Clery Act crime statistics and so we can determine whether or not a timely warning is needed (See Timely Warning below). Clery crime reports should also be made by using the online [Crime Report Form](#).

### **Bennington College Campus Safety Contact Information**

For emergencies, including medical, fire, smoke, crime, or the carbon monoxide alarm, first call 911 and then call the Bennington College Office of Campus Safety.

Reports can also be made in person at the Bennington College Office of Campus Safety or the Middlebury College Department of Public Safety at 125 South Main Street, Middlebury, VT.

#### **Emergencies (Police, Ambulance, and Fire Department): Dial 911**

Bennington College Campus Safety: **802.447.4250**

Bennington Police: **802.442.1030**

#### **Civil Rights & Title IX Coordinator, Butterfly Boire**

Middlebury College Service Building, Middlebury, VT 05753

802.443.2147

[bboire@middlebury.edu](mailto:bboire@middlebury.edu)

## Campus Security Authority (CSA)

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

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

Examples of Campus Security Authorities for the Bennington program include but are not limited to:

- [Middlebury College Public Safety](#)
- [Middlebury College Associate Vice President of Safety](#)
- Bennington College Director of Campus Safety
- Dean of Students
- [Bennington College Office of Campus Safety](#)
- Vice President for Student Affairs
- Faculty Heads, Class Year Deans, Student Life Coordinators
- Office of Human Resources Staff
- Director of Care Management and Care Manager
- Assistant Director for Community Standards
- Civil Rights and Title IX Coordinator, Deputy Civil Rights and Title IX Coordinator, and Human Relations Officers
- Student Activities: Associate Director; Director Programs and Events; Assistant Director of Student Activities for Student Leadership and Development; Director of Outdoor Programs and Club Sports; Technology Coordinator, Student Activities; Office and Budget Manager; Asst. to the Dean of Students
- Residential Life: Associate Dean, Associate Director, Assistant Director for Housing Operations, Associate in Student Life, Residence Directors, Community Assistants, Residential Assistants
- Diversity, Equity, and Inclusion: Vice President for Equity and Inclusion, Faculty Director of Equity, Justice & Inclusion, Director of Anti-Racist Task Force, Director of Equity Initiatives
- Anderson Freeman Resource Center: Director and Director for the Prism Center for Queer and Trans Life



- Community Engagement: Director; Assistant Director Privilege and Poverty; Program Director; Faculty Director, Privilege & Poverty; Assistant Director, Youth and Educational Partnerships; Assistant Director, Intercultural and Global Programs; Assistant Director, Community-Based Learning; Democracy Initiatives Coordinator, Youth and Outreach Coordinator
- Posse Mentors
- Compass Mentors
- Any faculty or staff who travel with students on programs to foreign or domestic locations
- [Director of Athletics](#)
- Field House Monitors
- Coaches and Assistant Coaches
- Director of Environmental Health, Safety, and Compliance
- Advisors for Student Groups or Organizations
- Program Deans, Directors, Assistant Directors or Co-Directors for other Middlebury programs such as the Schools Abroad, Language Schools, Bread Loaf School of English, and School of the Environment
- The Knoll; Director of Programs; Food and Garden Educator
- Environmental Affairs: Dean of Environmental Affairs and Sustainability; Director of Franklin Environmental Center; Climate Action Capacity Project Director; Sustainability Communication and Outreach Coordinator; Assistant Director, Franklin Environmental Center
- MiddCORE; Director; Associate Director; Marketing and Communications Director

You report a crime when you bring it to the attention of a CSA, and that report should be made in good faith. You can also make a report by filling out the online Campus Security Authority crime report form. This report will be forwarded to the Middlebury College Department of Public Safety. The CSA report form is located on [Middlebury's Department of Public Safety web page](#).

### **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. As a matter of policy, counselors are encouraged to explain to a victim that the counselor could inform Public Safety of the crime solely for statistical purposes, keeping the victim's name anonymous. If the victim agrees, the counselor would ask the victim to complete a Campus Security Authority form and leave all identifying information blank. 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.

## 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 [Middlebury College Department of Public Safety](#) (802.443.5133), the [Bennington College Office of Campus Safety](#) (802.447.4250), or the [Civil Rights and Title IX Coordinator](#) (802.443.2147) 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). **We encourage CSAs to use the online [Campus Security Crime Report Form](#), which will be electronically transmitted to the Associate Vice President of Safety and the Civil Rights and Title IX Coordinator.**

In case of an emergency please dial 911 or call Bennington College Campus Safety at 802.447.4250.

Crimes that fall within the scope of the Clery Act and must be reported 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

The definitions for the crimes are located in this document, see Crime Statistics on page 14 of this document.

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.).

## Daily Crime Log

The Office of Campus Safety at Bennington College prepares and maintains a daily log for public viewing. This log is available 24 hours a day.

## Emergency Phones

Campus Safety maintains an emergency phone number (dial 767 from campus phones or 802.447.4250) for immediate assistance. All campus houses have phones for emergency calls to Campus Safety. Additionally, there are six blue light phones on campus.

## Emergency Response

This section describes the procedures that Bennington College will use to immediately notify the campus's summer 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 Bennington's campus, the process that Bennington 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.

Upon learning of an incident on the Bennington College campus during the summer, Campus Safety officer(s) will respond, assess if there is a dangerous situation or emergency, and will notify the Director of Campus Safety, or their designee. Members of Campus Safety will notify the Bennington Police to respond to incidents involving weapons or other serious threats of violence on campus. The Director or designee, upon confirmation of an emergency or dangerous situation affecting the Bennington campus will send a RAVE message to the Bennington campus community, which will primarily be Middlebury College employees and students.

In all cases, Bennington 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 victims, or to contain, respond to, or otherwise mitigate the emergency.

Bennington College conducts an Emergency Response and Evacuation test annually. The test is designed to assess emergency plans and their capabilities. General information about emergency response and evacuation procedures for Bennington College is available at <https://www.bennington.edu/human-resources/employment-bennington/emergency-response-policy>.

### **Emergency Notification Procedures**

Crime and Campus Safety Alerts are issued when a crime or pattern of crimes or other activity presents an immediate and significant danger to the community.

To facilitate communication, Bennington College utilizes the RAVE Emergency Notification System. During an emergency, notifications are sent to all employees via campus telephone and email, and any other communication devices registered with the system (home phone, personal cell phone, email address, etc.). Middlebury College students and employees at the Bennington College campus will be enrolled in the Bennington RAVE System. This system is tested annually and for the summer programs by request.

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

To alert the college community of emergencies or potential emergencies, Middlebury Public Safety and/or Bennington Campus Safety may use the RAVE Emergency Notification System. This system uses the cell phone numbers entered into BannerWeb (students) and Oracle (employees). Students are required to provide their emergency contact information upon course registration. Middlebury also sends 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 Oracle.

Students, to add your cell phone number, log into BannerWeb; select “Personal Information;” and select “Update cell phone for emergency communications.”

Faculty/Staff, to add your cell phone number log into Oracle. Select “Personal Information” and then select “Contact Information”.

Please review your information regularly to ensure your emergency contacts are up to date. Also, in order to recognize the emails, phone calls, or texts from RAVE, please add the numbers above to your phone's contacts.

## **Timely Warning**

The College will provide a timely warning to the campus community when a Clery crime has occurred or is occurring, has been reported to Campus Safety or local law enforcement, and is considered to represent a threat to the campus community. Campus Safety provides warning notices to the community in a manner that is timely to aid in the prevention of similar crimes and withholds as confidential the names and other identifying information of victims. Notices can be sent via campus email or through the RAVE Emergency Notification System.

Bennington Campus Safety may also issue warnings to the campus community when other situations pose safety concerns (see the Emergency Response section, below), or otherwise as deemed appropriate.

In its annual letter to local law enforcement agencies, both Middlebury Public Safety and Bennington Campus Safety request that local law enforcement inform the institution on an immediate basis of crimes that may require timely warnings.

## **General Emergency and Evacuation Procedures**

**In case of an immediate emergency, call 911.**

Evacuation maps are located in each building on campus.

In the event of a large-scale event that exceeds the resource capabilities of the College, requests for assistance will be made to external resources such as the local and state police, the local fire department, and medical first responders. Local agencies utilize the ICS system when further assistance is needed.

## **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, consider 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 is a fire, don't use any elevators.
- Report to your muster point.
- Do not re-enter the building until a Bennington Campus Safety representative advises that the Fire Department has indicated that it is safe to re-enter.

## **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 Middlebury College 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, and begins shooting or you hear gunshots fired, 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 College Department of Public Safety at 802.443.5911.
- 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 people
  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.
- Silence your cell phone.
- 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 they enter the room.
- If possible, call (or text, but only if you cannot speak safely) 911.
- 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 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 is impossible to avoid such an arrangement, sit and sleep with your head away from the windows. Keep plants and other freeswinging objects away from windows so they will not 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 is 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. Do not 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 are safe.

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

Middlebury will test the institution'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. Middlebury will publicize its emergency response and evacuation procedures in conjunction with at least one test per calendar year, by directing people to the emergency procedures web pages. Middlebury will document, for each test, a description of the exercise, the date, the time and whether it was announced or unannounced.

Bennington Campus Safety will conduct a fire drill in each student residential building during the summer. During these drills, the students become familiar with the exits and the muster points. Upon request, Bennington Campus Safety will also test their emergency notification system and meet with Middlebury College students, faculty, and staff to review evacuation procedures.

## **Emergency Operations Plan**

Bennington College has developed an Emergency Response Plan to provide a systematic and comprehensive response to a wide variety of emergency conditions that could occur on campus.

Middlebury College maintains an Emergency Operations Plan which highlights the functions of the emergency response teams (Emergency Management Team and Crisis Management Team) during urgent situations. Middlebury College's Emergency Management Team (EMT) is trained in the College's emergency preparedness and response procedures. The EMT consists of staff members from various college departments and offices who are responsible for operational management during an emergency. The EMT reports to the Crisis Management Team (CMT), composed of senior leadership responsible for policy and executive-level decision making during an emergency. The College's Emergency Response web page provides information on topics such as lockdown, evacuation, active shooter threats, bomb threats, and natural disasters. This information can also be found in building evacuation plans.

## **Team Training**

Members of Middlebury College's CMT and EMT must complete the online course Introduction to the Incident Command System, ICS-100 for Higher Education <https://training.fema.gov/is/course/overview>. Team chairs will schedule additional training sessions on at least an annual basis. Training will, when it is practicable, include first responders and other external agencies to test the College's plans and their compatibility with local, regional, or state plans. 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.

On April 24, 2024, the Middlebury College EMT and CMT met for a tabletop on a fire in a residence hall. The Chief of the Middlebury Fire Department was also in attendance. In addition to the discussion, the EMT tested the polling function in the College's emergency notification system (ENS). The test confirmed the function works as expected.

On December 13, 2023, the EMT and CMT met for a tabletop on an active shooter event. This tabletop differed from others as the hypothetical event occurred off-campus at a local establishment within Middlebury, VT. The Chief of Middlebury Police was also in attendance. In addition to the tabletop discussion, the EMT tested the College's ability to initiate a lockdown procedure in our card access system on the Middlebury, VT campus. This test confirmed the function works as it is designed to.

On March 6, 2023, the Emergency Management Coordinator met with members of the CMT and EMT to review and formalize plans for response to incidents that may occur off campus while students are traveling as part of their participation in various types of college programming.

On November 7, 2022, the College's Emergency Management Coordinator again met with both the CMT and EMT to conduct a functional exercise related to an active shooter threat on campus. The local fire department participated via phone.

On August 29, 2022, the College's Emergency Management Coordinator convened members of the CMT and EMT to review and revise campus wide evacuation plans. This included a review of the 2020 campus wide evacuation caused by COVID-19.

Discussions during these meetings included topics such as emergency notifications, cross-department and inter-agency collaboration and communication, evacuations, lockdown and lock out procedures, and deployment of resources.

On November 29, 2021 the College's Emergency Management Coordinator met with the CMT to review Active Shooter protocols. On March 22, 2022 the EMT and CMT participated in a table top exercise as a follow up to November's discussion. The scenario included an Active Shooter on Middlebury Campus. Also present for this exercise were Middlebury Police Department, Middlebury Regional Emergency Medical Services, and Middlebury Fire Department. The tabletop included a test of the College's Emergency Notification System, discussion about inter-agency communication and collaboration, and required the team to address evacuation procedures as well as lock-down and lockout procedures.

Each exercise and training opportunity, as well as real life situation, is reviewed by the Emergency Management Coordinator through After Action Reports.

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

The Threat Assessment and Management (TAM) Team assesses risks and formulates responses in situations where an individual's behaviors or statements could indicate a threat to the health or safety of others. TAM seeks to mitigate potential risks before they result in harm. TAM members are professionals in safety, counseling, student life and human resources. Members of the team receive training in behavioral threat assessment and management techniques. This team serves as an advisory board that makes recommendations to the executive(s) with responsibility for the individual(s) in question. TAM may also assist and support the EMT when emergencies involve community members who may pose a risk to others.

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

Bennington College has their own Behavioral Threat Assessment Team for assessing and responding to threats concerning members of their campus community.

**In case of an immediate emergency, call 911.**

## Campus Security and Access

### **Building Security**

Bennington College is private property. Community members may use campus facilities for public events in such buildings as the Visual and Performing Arts Center (VAPA), Student Center, art galleries, theaters, Crossett Library or as invitees to nonpublic campus events.

People visiting a specific office or facility should stop at the Campus Safety Office to obtain a visitor's parking pass. Campus Safety has the ability to issue no trespass orders when appropriate.

Some administrative buildings are secured during the evening, while some are open 24 hours a day. Those that typically remain open are Jennings Music Building, Deane Carriage Barn, Old Carpenter Shop, VAPA, CaPA, Dickinson and Tishman. The barn is locked at midnight. Schedules are subject to change.

Student houses are locked 24/7, and students may use the electronic card access for entry; interior student rooms have keyed locks that students are encouraged to utilize. If a student is locked out of their residence, they may contact Campus Safety for assistance. Campus Safety will confirm the person is registered by requesting to view photo identification. The person's name and housing unit will be recorded in the officer's daily log.

There are several areas on campus that are restricted from access without authorization. Authorization must be on file at the Campus Safety Office prior to access being granted. Valid College identification is necessary to confirm authorization for access.

Faculty, staff, and students are required to carry their ID card at all times while on campus. Identification cards are issued through IT. All lost cards should be reported to their office. This ID is required to access residential housing, check out materials from the Library, to eat in the dining halls and etc. Identification must also be presented to a Campus Safety officer or other College official when requested.

### **Maintenance Issues**

Any work orders can be directed to [buildingsandgrounds@bennington.edu](mailto:buildingsandgrounds@bennington.edu). All other inquiries, will go to the offices for each language program. All emergencies will go through Campus Safety.

## Crime Statistics

In an effort to provide members of the campus community with information about campus crime and crime-related problems, the Middlebury College Department of Public Safety and other Middlebury at Bennington College officials, in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* and the [\*Violence Against Women Reauthorization Act of 2013\*](#), collect, publish and distribute the crime statistics in its Annual Security Report (see below). Statistical information is collected from Middlebury Campus Security Authorities, Bennington College Office of Campus Safety and local law enforcement. Middlebury does not officially recognize any student organizations that have non-campus housing or other non-campus locations, so it does not have a policy concerning the monitoring and recording by local police agencies of criminal activity by students at any such locations.

## **Crimes – Middlebury at Bennington College Campus**

Middlebury College contracts space and services at Bennington College between June through mid August each summer for its Language School programs. The crime statistics for Bennington College are collected for the applicable June through August time frame for each year and area listed below for the time period that Middlebury controls the space pursuant to the contract referenced above. The summer of 2022 was the first year that Middlebury College will be at Bennington College campus and therefore there will be no statistics shown for any prior years.

### **Definitions of Clery Geography Terms**

**On-campus:** Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the area as identified above, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

**On-campus student housing facility:** Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that takes up the campus is considered an on-campus student housing facility. This definition includes the following types of housing:

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

**Non-campus building or property:** Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Public property:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the Bennington College 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 their 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 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. (Note: Since the program at Bennington started in 2022, there will be no statistics provided for previous years.)



**Table 1. Criminal Offense Reporting Table- Middlebury at Bennington College Campus**

Offense	Year	Geographic Location			
		On Campus	On-Campus Student Housing Facilities	Non Campus Property	Public Property
Murder/Non-Negligent Manslaughter	2021	n/a	n/a	n/a	n/a
	2022	0	0	0	0
	2023	0	0	0	0
Manslaughter by Negligence	2021	n/a	n/a	n/a	n/a
	2022	0	0	0	0
	2023	0	0	0	0
Rape	2021	n/a	n/a	n/a	n/a
	2022	0	0	0	0
	2023	0	0	0	0
Fondling	2021	n/a	n/a	n/a	n/a
	2022	0	0	0	0
	2023	0	0	0	0
Incest	2021	n/a	n/a	n/a	n/a
	2022	0	0	0	0
	2023	0	0	0	0
Statutory Rape	2021	n/a	n/a	n/a	n/a
	2022	0	0	0	0
	2023	0	0	0	0
Robbery	2021	n/a	n/a	n/a	n/a
	2022	0	0	0	0
	2023	0	0	0	0
Aggravated Assault	2021	n/a	n/a	n/a	n/a
	2022	0	0	0	0
	2023	0	0	0	0
Burglary	2021	n/a	n/a	n/a	n/a
	2022	0	0	0	0
	2023	0	0	0	0
Motor Vehicle Theft	2021	n/a	n/a	n/a	n/a
	2022	0	0	0	0
	2023	0	0	0	0
Arson	2021	n/a	n/a	n/a	n/a
	2022	0	0	0	0
	2023	0	0	0	0

\* Middlebury began hosting an educational program at Bennington College in 2022.

## **Unfounded Crimes - Middlebury at Bennington College Campus**

2022\*: There were no reported unfounded crimes in 2022.

2023: There were no reported unfounded crimes in 2023.

\*Middlebury began hosting an educational program at Bennington College in 2022.

## **Definitions of Hate Crime Offenses**

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

For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin and/or disability. All of the Criminal Offenses listed above (except for manslaughter by negligence) and the additional crimes of larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property, that manifests such evidence, will be recorded as a hate crime. Middlebury is required to list the category of bias to the extent possible. The definitions for each category of bias can be found on the Department of Public Safety's website at: <https://www.middlebury.edu/offices/health/publicsafety/csa#reported> or in the [Handbook for Campus Safety and Security Reporting](#) 2016 Edition (pp. 3-25-3-27).

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

## **Hate Crimes- Middlebury at Bennington College Campus**

2022\*: There were no reported hate crimes in 2022.

2023: There were no reported hate crimes in 2023.

\*Middlebury began hosting an educational program at Bennington College in 2022.

## **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 cohabited 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:** Per Vermont law, dating violence is considered as domestic violence. Therefore, the crime log will refer to dating violence as domestic violence. In this Annual Security Report, dating violence and domestic violence will be counted separately per the Clery Act. 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.

**Table 2. VAWA Offense Reporting Table**

Offense	Year	Geographic Location			
		On Campus	On-Campus Student Housing Facilities	Non Campus Property	Public Property
Domestic Violence	2021	n/a	n/a	n/a	n/a
	2022	0	0	0	0
	2023	0	0	0	0
Dating Violence	2021	n/a	n/a	n/a	n/a
	2022	0	0	0	0
	2023	0	0	0	0
Stalking	2021	n/a	n/a	n/a	n/a
	2022	0	0	0	0
	2023	2**	0	0	0

\* Middlebury began hosting an educational program at Bennington College in 2022.

\*\*This statistic was initially reported in error as a 0 when it was published in July 2024. It has since been corrected and republished in August 2024.

## **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 of devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include, but are not limited to: Opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics - manufactured narcotics that can cause true addiction (Demerol, methadone); dangerous non-narcotic drugs (barbiturates, Benzedrine); bath salts and their derivatives; and illegally obtained prescription drugs.

Note: Vermont has legalized possession of small amounts of marijuana for persons 21 years and older. Vermont has also decriminalized the possession of small amounts of marijuana for persons under the age of 21. Possession of marijuana on campus continues to be a violation of College, but it will not be included in Clery statistics.

**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).

**Table 3. Arrest and Disciplinary Referrals Reporting Table**

Offense	Year	Geographic Location			
		On Campus	On-Campus Student Housing Facilities	Non Campus Property	Public Property
Arrest Weapons: Carrying, Possession, etc.	2021	n/a	n/a	n/a	n/a
	2022	0	0	0	0
	2023	0	0	0	0
Disciplinary Referrals: Weapons: Carrying Possession, etc.	2021	n/a	n/a	n/a	n/a
	2022	0	0	0	0
	2023	0	0	0	0
Arrest: Drug Abuse Violations	2021	n/a	n/a	n/a	n/a
	2022	0	0	0	0
	2023	0	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2021	n/a	n/a	n/a	n/a
	2022	0	0	0	0
	2023	0	0	0	0
Arrests: Liquor Law Violations	2021	n/a	n/a	n/a	n/a
	2022	0	0	0	0
	2023	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2021	n/a	n/a	n/a	n/a
	2022	0	0	0	0
	2023	0	0	0	0

\* Middlebury began hosting an educational program at Bennington College in 2022.

## Crime Prevention

All Middlebury College Residential Life staff and first year students receive Emergency Preparedness Training and training on active threat response titled “Run, Hide, and Fight” and are informed on how to contact the police by calling 911 or by calling Bennington Campus Safety at 802.447.4250 (if at Bennington campus) or Middlebury Public Safety 802.443.5911 (if at Middlebury campus). The Emergency Preparedness and active threat training can also be accessed online at any time on Middlebury's Emergency Response website: <http://www.middlebury.edu/er/general>.

All new faculty and staff employees at Middlebury College review the Employee Safety Training video as part of on-boarding. This video includes information on several topics related to emergency preparedness, including the College's emergency protocols, how to contact Public Safety, the emergency response system (including instruction on entering contact information for the system), and a viewing of the “Run, Hide, Fight: Surviving an Active Shooter Event.” Training is also given to some departments on an annual basis or upon request (e.g. new faculty orientation).

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.

Individuals who are harmed as the result of a crime are not responsible for the actions of people who commit crimes, who are accountable for their crimes and the outcomes of their actions.

The only true way to eliminate crimes is for those who commit them not to do so. The following safety guidelines are intended to provide supportive ideas but no way intended to outline doing or not doing any of these things will ultimately prevent a crime from happening.

### **Personal Safety**

Here is how you can do your part:

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

### **Walking or Running Safety**

- Avoid traveling alone at night. Instead, travel in pairs.
- 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.
- Don't display expensive jewelry or carry large amounts of cash.
- Always let someone know where you are going and when you will return.
- Be alert and aware of your surroundings at all times. Walk purposefully and confidently. Keep moving.
- Do not 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 are 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 are walking alone and someone passes you, check to make sure that person is continuing to walk in the other direction.
- If you are confronted by an assailant, yell and struggle. Assess the situation and call for help.

### **Residence Halls and Private Residences**

- Lock your room door and windows when you go to sleep or when you leave, even if only briefly; take your keys with you.
- Do not share your key card with others. Contact Campus Safety immediately if you lose your card.
- Immediately report defective locks on your windows and doors.
- Don't keep your residence and your vehicle keys on the same ring.
- If you carry keys, do not put your name and/or address on key rings.
- If you lose your residence keys, notify Bennington Campus Safety.
- Do not linger in poorly lit, secluded areas.
- Do not attach vehicle or other keys to your ID card.
- 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, DO NOT GO IN. Go to a neighbor and call Campus Safety (for College housing) or the local law enforcement authorities (for private residences). If you're already inside, DO NOT TOUCH ANYTHING. You may disturb evidence important to a police investigation.
- If you are awakened by an intruder, do not 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 is possible. Call 911 as soon as possible.
- If you see a suspicious person or vehicle, either on campus or in your neighborhood, IMMEDIATELY contact Bennington College Campus Safety or the local law enforcement authorities. Try to get the license plate number, state, and description of the vehicle, but do not chase the car to do so.
- Do not prop open doors to residence halls or other College buildings.
- People outside the College community are prohibited from soliciting in residence halls. If you see an outside solicitor in the dorms, immediately report this to Campus Safety.

- Do not yell or attempt to detain voyeurs or anyone you observe looking into a private space. 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 Bennington Campus Safety, or the police.
- Hang up on obscene, harassing, or annoying phone calls. Do not 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 Campus Safety. This will be useful to the Campus Safety officer or the police, if there is a police report.

### **Use of Athletic Facilities**

- Avoid using the athletic facilities alone, especially after dark or during off hours.
- Use the buddy system. Work out with a friend, and go to and from the gym together.
- Confine your running and jogging to the daylight hours and to well-traveled areas. If jogging on the roads, wear bright-colored clothes.
- Avoid showering alone in the locker room. Or shower back at your residence.
- Avoid bringing cash, wallets, watches, or other valuables to the athletic facilities. Do not leave valuables unattended or in coat rack areas.
- Keep your locker locked whenever unattended. This includes those times you leave to shower or visit the trainer, the equipment room, etc. Most thefts at the athletic facilities stem from unlocked lockers or property left unsecured in the locker-room area.

### **In the Locker Room**

- If there is someone with you in the locker room, and if you are comfortable doing so, ask them to wait for you, so you will not be showering alone.
- Immediately report all incidents of voyeurism to Campus Safety.
- If you encounter an intruder:
  - Call loudly for help. Your call for assistance should carry into the hallway.
  - Keep out of the intruder's way, and do not attempt to prevent the intruder from leaving.
  - Try to exit the locker room quickly.
  - Observe the intruder so you can later describe the person.
  - Immediately notify the police by dialing **911**.

## **Safety While Driving**

- Immediately report all suspicious people or vehicles around parking areas to Campus Safety.
- When you park, keep your vehicle locked and the windows rolled up.
- Have your key ready when you approach your car. Check inside and under your car to make sure no one is hiding in either place.
- Never leave your vehicle unattended with the engine running.
- Choose to park in well-lit lots, preferably in heavily traveled areas.
- Lock all packages, luggage, and valuables in the trunk or out of sight.
- Keep spare keys in your wallet or purse, not inside the vehicle.
- If your car breaks down, open the hood and then stay locked inside the vehicle. If someone stops to help, do not open your window or door, but ask that this person call for assistance if you were not able to do so.
- If you're unfamiliar with the location you are heading to, ask someone for specific directions before you leave.
- If you get lost, do not pull over until you find a well-lit public area where you can ask for directions.
- If you suspect you are being followed, drive to a well-lit public area and call the police.
- If someone with a weapon confronts you, wanting your vehicle, give up the car. It is 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, do not store them in obvious hiding places like desks or dressers.
- Never lend out the key to your room or residence.
- 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.
- 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
- International money offers: someone claiming to be an international official promises big profits in exchange for help moving large sums of money to a foreign country.
- 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 have been the victim of an Internet fraud scheme, you can also file a complaint online with the Internet Crime Complaint Center, a joint project of the FBI and the National White Collar Crime Center.

Further Information may be located at these government websites:

[U.S. Department of Justice](#)

[Internet Crime Complaint Center](#)

[Federal Deposit Insurance Corporation](#)

[Securities and Exchange Commission](#)

And at these nongovernmental websites:

[Better Business Bureau](#)

[Fraud.org](#)

[Internet Scambusters](#)

[National Cyber Security Alliance](#)

### **Bicycling Security**

- 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 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.

### **Bicycling Safety**

- Bike riders are responsible for their own safety, and both Middlebury College and Bennington College do 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.
- Vermont 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.
- Do not 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, do not wear headphones or ear buds, and warn pedestrians or fellow riders when you are 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 and train tracks to avoid bicycle/vehicle collisions.

### **Notification Regarding Missing Students**

If there is reason to believe that a student may be missing, whether or not the student resides on campus, all possible efforts will be made to locate the student. If a student is missing from the Middlebury at Bennington summer Language Schools program, immediately report this to the Program Coordinator, Operations Manager, your Language School director, or Bennington College Campus Safety. In some circumstances—for example, a reported kidnapping or a missing child, Campus Safety will notify the police immediately. If a student younger than 18 and not emancipated is missing, Bennington Campus Safety will work with Middlebury College and they 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 any Middlebury College residential program 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). The College has a form on BannerWeb that allows students to register this contact. BannerWeb maintains the contact person's information in a confidential area, separate from the student's emergency contact information. The information will be accessible only to authorized campus officials and may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation. If a student is missing, authorized campus officials and law enforcement officers will have access to this designated contact and will communicate with the person no later than 24 hours from the initial report.

Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, Middlebury or Bennington 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.

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

### **OVERVIEW**

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

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

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

### **MANDATORY EDUCATION FOR NEW STUDENTS**

Middlebury provides mandatory online training for its incoming Language School students. The following online course is provided to all incoming students: Sexual Violence Prevention for Graduate Students (Primary). This course is specifically tailored to meet the needs of adult learners of all ages outside of the traditional first-year experience. This is a reality-driven course designed to educate students about consent, healthy relationship, bystander intervention, as well as the realities of sexual assault, dating/ domestic violence, and stalking. Featuring student presenters and survivors, the course includes scenarios, testimonials, and key advice for students who deal with these crucial topics. Student feedback on course satisfaction, quiz results, and questions/concerns is reviewed annually to evaluate effectiveness and cultural appropriateness.

### **PROGRAMS FOR FACULTY AND STAFF**

Middlebury provides mandatory online training to all Language School faculty and staff. The training is managed by Human Resources, and the current course is titled: Sexual Harassment: Building a Safe and Inclusive Community. It includes such topics as Title IX; identifying who is at risk; prevalence, costs of sexual violence; understanding sexual assault; relationship violence; stalking and cyberstalking; criminal law and policy definitions; consensual sexual activity; being a bystander, barriers to intervention, and safe and positive options; roles and responsibilities of faculty and staff; reporting; confidentiality; how to talk to survivors; a survivor's reactions; interim measures; preserving evidence; institutional response; reporting vs. investigating; conduct proceedings, protection from retaliation, a culture of respect,

Middlebury's policy and procedures for addressing sexual misconduct (including sexual assault), domestic violence, dating violence, and stalking, which includes a statement that Middlebury prohibits these behaviors as defined in its policy in accordance with the Clery Act, as amended in 2014; and the application of the preponderance of the evidence standard in its adjudication of these matters (as referenced in Middlebury's policy). The above online trainings are supplemented by written information provided to faculty, staff and students (with links to policies, resources and information) regarding Middlebury's Non-Discrimination Policy, reporting and contact information, links to campus and local resources, and information about the Title IX Coordinator and Title IX designees.

## How to be an Active Bystander

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

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

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

Moments of action occur when we notice the potential for violence. We might see someone intentionally trying to get someone else intoxicated, or isolating someone at a party. We could recognize power differences like age, or sense that someone seems fearful. When we notice these cues, we must act because even the smallest actions can prevent violence. No matter who you are or what personal or social barriers you might face, there is always something you can do to help keep our community safe. Options for action include the following:

**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 Public Safety (x5911) (or your program's campus security department -if at a separate campus) 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 student's Advisor, Dean, or Coach.

**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.
- Put a MiddSafe sticker on your door, computer, or water bottle and talk about why you care about this issue when someone asks what it is.
- 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.
- Explore how art and activism can be a part of ending violence. Create your own art or explore opportunities to engage in activism.
- If you suspect that a friend is in a relationship where they are being harmed, 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 the Department of Public Safety (or your program's campus security department -if at a separate campus) or 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 what sounds like yelling or fighting in your residence hall, apartment, the locker room, or any other location, talk with a Residential Life staff member, Class Year Dean, a Professor, a Coach, Program Director 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 (e.g Atria Collective) violence prevention program.
- 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

### **Moments of Action for Family Bystanders**

- Talk with the other members of your family about your commitment to ending violence and to keeping each other and others safe.
- Make a donation to a local rape crisis center or domestic violence shelter.
- Volunteer for one hour, and bring a friend.
- Write a letter to the editor of your local newspaper talking about any aspect of sexual or relationship violence that is most powerful to you.
- Explore how art and activism can be a part of ending violence. Create your own art or explore opportunities to engage in activism.
- If you know information about an incident of sexual violence, tell authorities what you know in case it is helpful.
- If you hear what sounds like yelling or fighting in your neighborhood, place of employment, or community, talk with a neighbor, the police, your employer 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.
- 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.

## Immediate Safety and Support

- **Go to a safe place:** your room, a friend's room, a colleague's room, or anywhere you will feel safe.
- **Call someone you trust.** No matter how late it is, you should not be alone. Call a close friend, MiddSafe Advocate (802.377.0239) (students only) or the Project Against Violent Encounters Hotline (PAVE) (802.442.2111) (all individuals). MiddSafe advocates are Middlebury College students committed to providing a safe and confidential resource for individuals in need of support and information around sexual assault, stalking, dating violence, domestic violence, and other personal violations. PAVE offers trained volunteers who can provide immediate confidential support and information at any time.
- **If safety is an immediate concern call 911 or contact Campus Safety** to access police or emergency services. You have the option of reporting to the police at any time, or you can decide not to make a report to the police. Middlebury will provide assistance if you wish to make a police report. This option is available regardless of whether you choose to file a complaint with Middlebury. Individuals may request assistance by contacting a Civil Rights and Title IX Coordinator or Human Relations Officer, Language School Director, or member of the Office of Campus Safety.
- Campus Safety is available 24 hours a day and will dispatch emergency response, assist with recording an initial report, and facilitate contact with Middlebury officials so that you can receive information about reporting, and academic, residential, or other accommodations. You do not need to disclose the nature of your emergency to be connected to services.
- **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. Explore with medical professionals the need for a forensic exam by a trained Sexual Assault Nurse Examiner (SANE), pregnancy testing, emergency contraception, and/or testing for Human Immunodeficiency Virus (HIV) and other sexually transmitted illnesses.

### Medical, Support, and Preserving Evidence

#### [Southwestern Vermont Medical Center](#)

802.442.6361

100 Hospital Dr, Bennington, VT.

#### [Southwestern Vermont Medical Center ExpressCare](#)

802.440.4077

100 Hospital Dr, Bennington, VT.

Students may access confidential counseling through [TimelyCare](#).

[MiddSafe: Middlebury Safe and Confidential Advocates](#) (Students in undergraduate programs and Middlebury summer programs only)

802.377.0239

MiddSafe advocates are Middlebury College students committed to providing a safe and confidential resource for our peers in need of support and information around sexual assault, stalking, dating violence, domestic violence, and other personal violations. MiddSafe Advocates are certified Vermont state crisis workers trained to non-judgmentally and compassionately support individuals in emergency and non-crisis situations. They provide a menu of options to guide students towards medical, legal, and emotional resources on local, state, and national levels. No matter where an individual is in the process of dealing with their experience, MiddSafe Advocates are here to listen. MiddSafe advocates are available for several aspects of Middlebury College Community Support:

- Hotline operated by volunteer student advocates 24 hours a day, 7 days a week, excluding undergraduate academic breaks on the Vermont campus.
- Summer MiddSafe services are available at certain times. This information is shared with summer programs, on social media, and is available through Health and Wellness Education. The MiddSafe Online Advocate is available 24/7/365.
- All advocates can provide information to individuals about on- and off-campus services to offer support and advocacy following an act of sexual or domestic violence.

[Employee Assistance Program \(Invest EAP\)](#) (Confidential: Staff, faculty and family members)

866.660.9533

Middlebury is pleased to offer employees and their household members a local, free, independent EAP to support you and your family.

No one is immune to life's challenges. Relationship dynamics, worries over the virus, money, work/life balance, substance abuse: you name it, and EAP helps with it.

Invest EAP is a local clinical and wellbeing non-profit that provides counseling and resources to your entire employee population and their households, including easy-to-use telehealth counseling.

[Pride Center of Vermont SafeSpace Vermont](#)

866.869.7341 or 802.863.0003

SafeSpace offers free and confidential services to Lesbian, Gay, Bisexual, Transgender, Questioning (LGBTQ) survivors of all forms of abuse or violence.

[Vermont Statewide Emergency Number](#)

800.489.RAPE

This number will automatically connect the caller with the local domestic violence/sexual assault program.

[For Victims with Disabilities:](#)

800.489.7273

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

## Legal Assistance

[Vermont Legal Aid](#): 800.889.2047

[Vermont Bar Association](#): 802.223.2020

## ***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.
- Prioritize your physical health and wellbeing.
- Affirm your choices by expressing your wants and needs to those supporting you.
- 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.

## ***If you are not sure what you need***

If you would like confidential support while exploring your options, consider contacting MiddSafe. They can provide confidential information and support as you consider your needs, and can help you to connect with campus-based and external resources. Contacting one or more of the above confidential resources in no way precludes you from choosing to file a complaint later with Middlebury 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.

## **Medical and Support Resources**

### **SANE**

A SANE exam is conducted by a professional with special training in working with individuals who may have experienced sexual trauma of all kinds. They can care for injuries, test and provide prophylaxis for sexually transmitted infections and/or pregnancy, and collect forensic evidence (if requested). *You do not have to be certain that you have experienced sexual trauma to request a SANE exam or any other kind of medical or emotional care. The SANE can help you discuss options for reporting. You have the right to have someone with you during this exam including an advocate. SANE exams are free of charge.*

Even if you are not sure about reporting your experience to Middlebury, pressing charges with the police, or obtaining a protective order, it makes sense to preserve the option of reporting later by having evidence collected. You can discuss your options directly with the SANE.

In most cases, DNA evidence needs to be collected within 72 hours in order to be analyzed by a crime lab- but a sexual assault forensic exam can reveal other forms of evidence beyond this time frame that can be useful if you decide to report. Place your belongings, including the clothes you were wearing, in a paper bag to safely preserve evidence. If you have questions about the timeframe, you can call the National Sexual Assault Hotline at 800.656.HOPE (4673) Source: [What Is a Sexual Assault Forensic Exam?](#)

Before a medical exam, try to preserve the evidence. Resist the urge to cleanse yourself before you seek treatment. 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. Do not wash, change clothes, eat, drink, smoke, brush your teeth, go to the bathroom, or brush your hair. Bring a change of clothing with you to the exam, since your clothes may be collected as evidence.

These services are confidential, and information is not shared without the individual's written permission, except in the limited circumstances described herein. Health-care professionals are required to report to law enforcement authorities the sexual assault of a person under the age of 18, or where there is risk of immediate danger to self, others or property. Consequently, in some circumstances, providers may not be able-legally or ethically-to maintain confidentiality.

## **Confidentiality and Confidential Resources**

Middlebury encourages individuals to report incidents of sexual misconduct (including sexual assault), domestic violence, dating violence, stalking and related retaliation so that they can get the support they need, and so that Middlebury can respond appropriately. Certain Middlebury employees may maintain confidentiality, but most cannot. Although strict confidentiality may therefore not be guaranteed, in all cases Middlebury will handle information in a sensitive manner and will endeavor to protect the privacy of individuals to the extent it can do so consistent with its obligations to respond to reports of sexual misconduct (including sexual assault), domestic violence, dating violence, stalking and/or related retaliation.

### **Confidential Resources**

Individuals are encouraged to seek support from internal and external resources such as counseling services, advocacy services, and/or Chaplains.

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, services 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, services, and support, and who can provide assurances that the disclosed information will not be acted on except in the circumstances outlined below. 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 advocate. The medical, mental health, certified peer and staff advocates\*, and religious professionals 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. 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; health or mental health services; and pastoral care or counseling. 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. An individual who initially requests confidentiality may later decide to access additional campus resources or supports that will not result in a formal report or investigation, but do require sharing some level of information with offices that are not designated as confidential related to these issues. This could include academic accommodations, disability-related accommodations, and changes to living, working, or transportation arrangements.

\*Per [Vermont State Law](#), MiddSafe advocates are certified crisis workers and are thus recognized as confidential resources at Middlebury. Therefore, they have no reporting obligations regarding the Clery Act.

### **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, or MiddSafe Advocates, 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 the Civil Rights and Title IX Coordinator, and they are “responsible employees” to this extent. The Civil Rights and Title IX Coordinator and HROs 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 Non-Discrimination Policies.

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 Civil Rights and 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.



## **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, will 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.

## **Options for Reporting VAWA Related Offenses**

### **Making a Report On Campus**

Any Middlebury student, faculty member, staff member or covered third party who has reasonable cause to believe that sexual assault, domestic or dating violence, stalking and/or related retaliation has occurred or is occurring should report this information to the immediate attention of the Civil Rights and Title IX Coordinator or a Human Relations Officer. Reports also may be made to Bennington's Office of Campus Safety or other appropriate personnel for the program at issue (e.g., program director/dean or associate director). Reports may be made verbally (in person, or by phone or videoconferencing) or in writing (via mail or email).

The appropriate personnel for the Middlebury program at issue will coordinate its response to the report with other officials, as appropriate, including the Civil Rights and Title IX Coordinator, and/ or a Human Relations Officer, responsible Threat Assessment and Management Team and, if necessary, law enforcement, to intervene at the earliest practical point to stop the behavior and coordinate services to the complainant. A coordinated response will include consideration of the complainant's request for confidentiality and may also include the implementation of safety measures as deemed necessary, services and accommodations, and referral to confidential resources. Please note that filing a complaint with Middlebury does not require you to file a report with the police. The legal system and Middlebury's disciplinary process are independent of one another so you can choose to report to the police (or choose not to).

## **Reporting to Law Enforcement**

In addition to (or instead of) utilizing Middlebury's processes and resources, any student, employee or covered third party who wishes to report a complaint of sexual misconduct (including sexual assault), domestic violence, dating violence, or stalking under this policy may also pursue criminal charges with local, state, or federal law enforcement agencies.

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 the Civil Rights and Title IX Coordinator, a Human Relations Officer, or program director/dean. Contact may be made via email, phone, teleconference or in person.

### **Vermont**

**Emergencies: dial 911.** In non-emergency situations, please call one of the following departments that serve Addison County, as applicable. In most cases, you should contact the law enforcement department of the town where the crime occurred:

- Bennington Police Department: 802.442.1030

Please note that each department has a specific service area and their hours of operation may vary.

Some other things to keep in mind:

- You always have the right to report or not report a crime to law enforcement, except under certain circumstances:
  - If someone who is under 18 goes to the hospital for a SANE (sexual assault nurse examiner) exam or if the hospital is aware of any crime against someone under the age of 18, the hospital is required to report the crime to the Vermont Department for Children and Families (DCF). It is possible that DCF could, in turn, report the crime to law enforcement without the knowledge or willingness of the person who experienced the crime.
  - Also, any crime involving a stabbing or a gunshot wound must be reported by hospitals to law enforcement, regardless of the age of the victim.
- If a victim of a crime chooses to report to law enforcement, confidential victim advocates from Atria Collective (formerly WomenSafe) are available to accompany you and assist you with the process. Middlebury officials may also accompany you and facilitate contact with law enforcement.
- The law enforcement response to domestic violence, sexual violence, dating violence, and stalking varies based on the crime, circumstances, and context. Different law enforcement agencies may handle the same report differently.
- It is possible that if you report a crime to law enforcement, an investigation may be commenced and charges may be brought. Depending on the department and circumstances, your ability to control or influence the process after reporting may vary.

You may find the following summaries from the Vermont Network Against Domestic and Sexual Violence helpful. Please note, however, that 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.

### **What will the police do if I report?**

If you tell the police about what happened to you they may arrest and charge the person who assaulted you with a particular crime(s). Because this is the criminal system, the police will have to decide whether what happened to you was a crime and when there is “probable cause.” They will then decide whether or not to charge and arrest the perpetrator. A person charged with a crime is called a defendant. The choice of reporting a sexual assault to the police can be difficult. Advocates from your local network program are available to provide you more information about reporting and can support you in whatever you decide is right for you.

### **What happens after the perpetrator is arrested?**

An arrest is the beginning of the criminal process. Once someone is arrested they may be released immediately, released at any point in the criminal process or, in severe cases, remain in jail. This will depend on many complicated legal factors. Defendants released from jail before the end of the case will be given “conditions of release” by the court. This is an order that the defendant must follow while the criminal case is going forward. Often the conditions will tell the defendant not to have contact with you as the victim of the crime. As a victim of a crime you have the right to know if and when the defendant is getting released from jail and the defendant’s conditions of release. Some victims may have increased safety concerns following an arrest. You may call your local Network program for more information and support.

### **Prosecution of crimes of sexual violence**

Following a charge/ arrest, the police transfer the case to the prosecutor, also called the state’s attorney. A prosecutor is a lawyer who works for the state through the state’s attorney’s office. The state’s attorney’s job is to continue to gather evidence to prove that the defendant committed the crime and to prepare the case against the defendant. The state’s attorney decides how to proceed with the criminal case.

### **State’s Attorneys’ Victim Advocates**

The state’s attorney’s office also has its own victim advocates. They provide information and updates on the case. They can also offer support and help with communicating your concerns and questions to the state’s attorney. Because these advocates work for the state’s attorney, they are not confidential. This means that the state’s attorney’s advocates may be required to share with the state’s attorney relevant information you share about the case.

### **Sentencing**

If the defendant pleads guilty or is found guilty after a trial, the judge will impose a sentence. A sentence may include a probation term, time in jail, or a combination of both. In many cases, sentencing will also require the defendant to participate in a sex offender treatment program. You may be present in the court room during the sentencing if you want. As a victim you have the right to make a “Victim Impact Statement” to the court. This is your time to describe the impact that the crime had upon you and your family. An advocate or family member may read your Victim Impact Statement for you.

## Department of Corrections

Once the defendant has been sentenced, the Department of Corrections (DOC) will supervise the defendant for the duration of the sentence. DOC is responsible for ensuring that the offender is following the terms of the sentence. DOC's Victim Services Program is available to provide information about the status of an offender and support to victims of crime whose offenders are in the custody of Vermont DOC. You can also register to receive automatic notifications by phone or email about the offender's status. For more information, you can contact DOC's Victim Services at 802.241.2302.

Source: Legal Options for Victims of Sexual Violence in Vermont ([vtnetwork.org](http://vtnetwork.org)); see also Quick Look: Police Reports and Protective Orders: [The National Domestic Violence Hotline](#) and [Reporting to Police: Options and Tips for Being Prepared](#).

## Rights & Options

### Services /Support / Accommodations

- [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: Refers to Section 2265 of VAWA and requires that a valid protection order issued in one state be treated in 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

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 see [WomensLaw.org/Know the Laws: Vermont](http://WomensLaw.org/Know the Laws: Vermont).

See also [Reporting to Police: Options and Tips for Being Prepared](#)

### **Accommodations:**

The HROs, Civil Rights and Title IX Coordinator, Vice President for Academic Affairs/Dean of Faculty ("VPAA"), Human Resources Department, Dean of Bread Loaf School of English, Vice President for Student Affairs, Dean of Students, Vice President for Academic Affairs and Dean of the Language Schools, Dean of International Programs, RDs, or other supervisory authority for the program at issue (or their designees) may also at any time take appropriate steps, including by way of example only, issuance of No Contact Orders, temporary changes in assignment of duties or housing, changes in class schedules or class requirements, or other accommodations, as appropriate, to protect complaining parties on an interim basis.

### NCO / Trespass / Court Orders

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 an HRO, the Civil Rights and Title IX Coordinator, Campus Safety or program director.

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: <https://pathwaytosafety.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 an HRO, Civil Rights and Title IX Coordinator, Campus Safety staff member or program director.

#### **Additional Information from the National Domestic Violence Hotline:**

A protective order is an official legal order issued by a state court that requires the abusive person to stop the violence and abuse and maintain a certain distance from the victim. Depending on where you live, it can also be called a restraining order, protection order, an injunction, or an order of protection.

#### How do I get a protective order?

Different states have different processes, but as a general rule, appropriate forms have to be filled out and submitted to the county court. A court date will be scheduled and both parties will be notified. If you are under 18, you will likely need parental consent.

#### Why would I get a protective order?

A protective order is legal protection against the abusive partner and can be enforced by police. Special provisions can be requested such as custody of children, continued financial support, getting the abuser to leave the residence, etc. Some states also require the abusive partner to surrender their firearms.

It's important to note that while a protective order may help keep an abusive partner away from you, it does not work in every case. Some abusive partners continue to contact and abuse their partners despite the presence of a protective order. Some may become even more dangerous after an order is filed because it threatens their power and control over the relationship. While you cannot predict someone's behavior, you know your situation best, and it's a good idea to consider how your partner might react based on what you know about them before obtaining a protection order.

### *What happens when I get a protective order?*

When the abuser does something that the court has ordered them not to do, or doesn't do something the court has ordered them to do, they may have violated the order. You can ask the police or the court (or both, depending on the violation) to enforce the order. If you are not able to contact the police when the violation occurs, they should take a report if you call them soon afterwards. In some cases, violating a protective order might result in a misdemeanor or felony criminal conviction and punishment. These types of violations can also later be addressed by a civil court, and it is often a good idea to bring them to the court's attention.

Things to consider before obtaining a protective order:

- PROS: You will have legal documentation of protection; the abuse may stop; provisions can be made for children, finances, etc.; can still be enforced if you move or leave your home state. See <http://www.womenslaw.org/>.
- CONS: You will have to see the abusive partner in court; abuse may not decrease/abusive partner may not obey the order; some orders are not always enforced.

Please note that police reports and protective orders are just parts of an overall safety plan and do not guarantee your safety from an abusive partner. Remember, you are the most knowledgeable person about your own situation, and you must use your own judgment about what is best for you. If you are considering taking legal steps against an abusive partner, the National Domestic Violence Hotline strongly recommends that you get in touch with a legal advocate, and they can help you find one in your area. Please call the National Domestic Violence Hotline at 800.799.7233.

### **Contact Information for Reports to Bennington Campus Safety, Law Enforcement, or Middlebury Officials**

Office of Campus Safety

Emergencies: dial x767 (SOS) from a campus phone

Non Emergencies: dial 0 (campus phone) or 802.447.4250

[campussafety@bennington.edu](mailto:campussafety@bennington.edu)

Bennington Police Department

802.442.1030

118 South St, Bennington, VT 05201

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

#### **All Middlebury Programs**

#### **Civil Rights and Title IX Coordinator**

Butterfly Boire

Middlebury College Service Building

802.443.2147

[bboire@middlebury.edu](mailto:bboire@middlebury.edu)

#### **Deputy Civil Rights and Title IX Coordinator**

Taryn Moran

Middlebury College Service Building

802.443.5840

[tarynm@middlebury.edu](mailto:tarynm@middlebury.edu)

## Non-Discrimination Policy (Handbook B.1.a.)

Middlebury is committed to creating and maintaining a diverse, equitable and inclusive campus environment where we value openness, curiosity, rigor, and equality. Discrimination, including harassment, is antithetical to our values and mission, and, therefore, Middlebury seeks to eradicate unlawful discrimination based on protected personal characteristics in its educational and employment environments.

Individuals who feel they have experienced discrimination, including harassment, based on a protected personal characteristic are strongly encouraged to report the behavior to our Civil Rights and Title IX Office. Middlebury provides timely services to those who have been affected by discrimination, including harassment. It is not necessary to file a complaint with Middlebury or participate in an adjudication process in order to request “supportive measures” from Middlebury. Appropriate supportive measures may vary depending on specific facts and circumstances and will be determined on a case-by-case basis. Moreover, Middlebury provides procedures to assure prompt and equitable investigation and resolution intended to stop discrimination/harassment, remedy harms and prevent repetition. Different types of behavior are subject to different procedures, in accordance with federal law.

Violations of this Policy may result in sanctions up to and including termination, dismissal, or expulsion, as determined by the appropriate Middlebury officials. Concerns about conduct under this Policy may be resolved through informal or “adaptable” resolutions, when appropriate. Retaliation against an individual for raising an allegation of discrimination, for cooperating in an investigation of such a complaint, or for opposing discriminatory practices is prohibited. Submitting a complaint that is not in good faith or providing false or misleading information in any investigation of complaints is also prohibited. Nothing in this Policy shall be construed to abridge academic freedom and inquiry, principles of free speech, or Middlebury's educational mission.

### SCOPE:

This Policy applies to all students, staff, faculty, applicants and visitors to Middlebury's programs and campus. “Middlebury” includes the undergraduate college, the Language Schools, the School of the Environment, MiddCore, Bread Loaf School of English, Bread Loaf Writers' Conference, Middlebury College Schools Abroad, and the Middlebury Institute of International Studies at Monterey.

### **Behaviors Prohibited by Law and Policy**

Members of and visitors to the Middlebury community are prohibited from engaging in:

- (i) Sexual Harassment as defined by Title IX, including but not limited to sexual assault, domestic and dating violence and misconduct, sex-based stalking, and quid pro quo sexual harassment;
- (ii) Discriminatory harassment, based on or motivated by an individual's actual or perceived race, creed, color, place of birth, ancestry, ethnicity, religion, national origin, age, disability, marital status, pregnancy or sex, sexual orientation, gender identity or expression (including but not limited to sexual assault, domestic and dating violence and misconduct, and stalking) not meeting the definition of Title IX Sexual Harassment, or other characteristics as defined and protected by law in the location where a particular program is operating (e.g. crime victim status in Vermont); and (iii) Discrimination in employment, or in admission or access to Middlebury's educational or extracurricular programs, activities, benefits or facilities based on an individual's race, creed, color, place of birth, ancestry, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, marital status, pregnancy, service in the armed forces of the United States, positive HIV-related blood test results, genetic information, or disability and/or any other status or characteristic as defined and to the extent protected by applicable law (e.g. crime victim status in Vermont).



## **Defining of Prohibited Conduct**

1. Domestic violence means conduct that constitutes a crime of violence in the relevant jurisdiction (either felony or misdemeanor) committed:
  - a. By a current or former spouse or intimate partner of the victim;
  - b. By a person with whom the victim shares a child in common;
  - c. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  - d. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
  - e. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
2. Dating Violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
3. Discrimination in employment, admission or access to Middlebury's education or extracurricular activities means taking an action against a person based on or motivated by that individual's protected characteristic(s) (identified in (iii) above).
4. Discriminatory harassment means verbal, written, visual, or physical conduct based on or motivated by an individual's actual or perceived sex, sexual orientation, gender identity or expression, race, creed, color, place of birth, ancestry, ethnicity, religion, national origin, age, disability, marital status, or other characteristics defined and protected by local law, that has the purpose or effect, from the point of view of a reasonable person, of objectively and substantially:
  - a. undermining and detracting from or interfering with an individual's educational or work performance or access to Middlebury resources;
  - b. or creating an intimidating, hostile, or abusive educational, work, or living environment.
5. Quid Pro Quo Sexual Harassment means unwelcome sexual advances, requests for sexual favors, and other verbal, written, visual or physical conduct of a sexual nature if:
  - a. submission to that conduct is made either explicitly or implicitly a term or condition of employment or educational status; OR
  - b. submission to or rejection of such conduct is used as a component of or as the basis for employment decisions (such as wages, evaluation, advancement, assigned duties, or shifts) or educational/student life-related decisions (such as grades, class assignments, or letters of recommendation, or residence-related decisions) affecting an individual.



6. Retaliation means intimidating, threatening, or coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing regarding violations of this Policy. Retaliation also means taking an adverse action against a person because of their report of prohibited conduct or participation in any procedure(s) under this Policy, including intimidation, threats, coercion, harassment or negative employment or educational actions that would discourage a reasonable person from engaging in activity protected by this Policy. Middlebury will not engage in retaliation and will investigate and address, reports of retaliatory conduct. Retaliation under this policy may be found whether or not the underlying complaint is ultimately found to have merit. Complaints of retaliation should be reported to the CRTIX, under the procedures described below.
7. Sexual Assault can be committed by any person against any other person, regardless of gender, gender identity, sexual orientation, or past or current relationship status, and with or without physical resistance or violence. Sexual Assault in this Policy includes:
  - a. rape,
  - b. fondling without consent,
  - c. incest, or
  - d. statutory rape
8. Stalking means engaging in two or more acts directed at a specific person that would cause a reasonable person to either (i) fear for the person's safety or the safety of others; OR (ii) suffer substantial emotional distress.

## OTHER DEFINITIONS

Consent means words or actions, freely and actively given by each party, which a reasonable person would interpret as a willingness to participate in agreed-upon sexual conduct.

Consent is not present or valid when a person is incapable of giving consent because they are incapacitated by drugs or alcohol; when intimidation, threats, physical force, or other actions that a reasonable person in that person's circumstances would consider coercive are applied; when that person is placed in fear that any person will suffer imminent bodily injury; when a physical or mental condition is present such that the person cannot knowingly or voluntarily give consent; or when a person is under the age of 16. Silence, non-communication, or a lack of resistance does not necessarily imply consent. Previous relationships or consent do not imply consent to future sexual conduct. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent can be rescinded at any time.

The use of alcohol or drugs does not minimize or excuse a person's responsibility for committing sexual misconduct, or that person's responsibility for determining whether another is capable of giving consent, as described above.

Coercion means the use of unreasonable pressure to gain sexual access. Coercion is more than a momentary effort to persuade, entice, or attract another person to engage in sexual activity. When a person makes clear a decision not to engage in sexual activity, or makes a decision to stop sexual activity, or a decision not to go beyond a certain sexual activity, continued pressure to engage can be coercive. In evaluating whether coercion was used, the College will consider: (i) the frequency of the application of pressure; (ii) the intensity of the pressure; (iii) the degree of isolation of the person being pressured; (iv) the duration of the pressure; and (v) any other similar or related conduct.

## **Investigation and Resolutions Procedures**

Violations of this policy are investigated and adjudicated using the following procedures:

### **(A) Title IX Investigation & Resolution Procedure**

In accordance with Federal law and the Title IX regulations issued in May 2020, all Title IX Sexual Harassment prohibited by this policy is investigated and adjudicated using Middlebury's Title IX Investigation & Resolutions Procedure, which applies to:

- (i) Sexual assault, domestic violence, dating violence, or stalking on the basis of sex, committed in an education program or activity of Middlebury in the United States;
- (ii) Quid pro quo sexual harassment committed in an education program or activity of Middlebury in the United States by which an employee of Middlebury conditions the provision of a Middlebury aid, benefit, or service on a student's or employee's participation in unwelcome sexual conduct; and
- (iii) Severe, pervasive and objectively offensive sexual harassment on the basis of sex committed in an education program or activity of Middlebury in the United States that constitutes unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a student or employee equal access to the College's education program or activity.

## **(B) Non-Discrimination Investigations & Resolutions Procedure**

All other conduct prohibited by this policy that is not covered by Middlebury's Title IX Investigation & Resolutions Procedure is investigated and adjudicated using Middlebury's Non-Discrimination Investigation & Resolutions Procedure.

## **(C) General Conduct Procedures**

Middlebury prohibits other violent, threatening or exploitative conduct, some of which may have been included in previous versions of Middlebury's SMDVS (Sexual Misconduct, Domestic Violence, Dating Violence and Stalking) Policy, but for which the respondent need not be motivated by an individual's actual or perceived protected status in order for a violation to be found, such as dating misconduct and sexual exploitation, through its conduct policies for students, staff and faculty.

### **AMNESTY**

Middlebury encourages the reporting of all concerns regarding harassment and discrimination. Sometimes individuals are hesitant to report such instances because they fear they may be charged with other policy violations, such as underage alcohol consumption. While not condoning infractions of any kind, to encourage reporting, Middlebury may, where appropriate, offer leniency with respect to other policy violations that may be revealed as a result of a report, particularly those involving underage drinking or drug use. The nature and scope of the leniency will depend on the particular circumstances involved. Individuals should understand that the use of alcohol or drugs never makes them at fault for instances of harassment or discrimination committed against them, nor does it mitigate accountability for committing such violations against another.

### **CONFIDENTIALITY**

Middlebury will treat information it has received with appropriate sensitivity and care and will endeavor to protect the privacy of the individuals to the extent it can do so, consistent with its obligations to respond to reports of violations of its policies. More detailed information on confidentiality can be found in the appropriate Procedure.

## **Glossary of Terms**

**Acts** - 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.

**Dating violence** - For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse, if involving individuals who are or have been dating as defined here, and violence means conduct that involves the use or threatened use of physical force against a person, or creates a reasonable belief that physical force may be used against a person in the course of conduct. (In Vermont, dating violence is a crime of domestic violence and would be counted as a domestic violence statistic.) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic violence** - For the purposes of this definition, domestic violence includes but is not limited to sexual or physical abuse or the threat of such abuse, if involving individuals who are or have been in a domestic relationship as defined here, and violence means conduct that involves the use or threatened use of physical force against a person, or creates a reasonable belief that physical force may be used against a person in the course of the conduct.

**Fondling** - Fondling is 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 (as defined above) because of their age or because of their temporary or permanent mental incapacity; for purposes of this definition, “private body parts” is defined as a person's breast(s), buttock(s), groin or genitals, and prohibited touching may be over or under clothing.

**Harassment** - Harassment may include repeated slurs, or taunts in the guise of jokes, or disparaging references to others, use of epithets, stereotypes, comments, gestures, threats, graffiti, display or circulation of written or visual materials, taunts on manner of speech, and negative reference to customs when such conduct is based on or motivated by one or more of the protected characteristics identified above, or other characteristics as defined and protected by applicable law. In Middlebury's Vermont programs, harassment may also include conduct of the type described above that is based on or motivated by a student's family member's actual or perceived race, creed, color, national origin, marital status, sex, sexual orientation, gender identity, or disability, which has the type of purpose or effect described above. With respect to Middlebury programs operating in states other than Vermont (e.g., California, New Mexico, and Washington, D.C.), harassment shall be defined as stated in this section unless the local law applicable to the program at issue mandates a broader definition, in which case such law will apply.

**Incest** - Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Rape** - Rape is 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 (as defined below) of the victim.

**Reasonable person** - Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

**Retaliation** - Retaliation can include making charges against an individual for conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance process under this policy does not constitute prohibited retaliation, provided, however, that a determination regarding responsibility is not alone sufficient to establish that any party made a materially false statement in bad faith.

**Actual or perceived sex** - Based on “sex” includes sexual harassment. Some common examples include: touching or grabbing a sexual part of a person's body; touching or grabbing any part of a person's body after that person has indicated, or it is known or reasonably should be known, that such physical contact was unwelcome; continuing to ask a person to socialize when that person has indicated they're not interested; displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or reasonably should be known that the behavior is unwelcome; continuing to write sexually suggestive notes or letters if it is known or reasonably should be known that the person does not welcome such behavior; referring to or calling a person a sexualized name if it is known or reasonably should be known that the person does not welcome such behavior; regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or reasonably should be known that the person does not welcome such behavior; derogatory or provoking remarks about or relating to a person's sex or sexual orientation; harassing acts or behavior directed against a person on the basis of their sex or sexual orientation.

**Statutory rape** - Statutory rape is sexual intercourse with a person who is under the statutory age of consent.

**Substantial emotional distress** - Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

## **Non-Discrimination Investigations & Resolutions Procedure (Handbook B.1.b)**

### **General Provisions**

#### **1. Scope**

Except as otherwise specified herein, this Non-Discrimination Investigations & Resolutions Procedure (“Procedure”) applies to faculty, staff, students, and applicants (for employment at Middlebury or 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 College Schools Abroad, and the Middlebury Institute of International Studies at Monterey (“the Middlebury Institute”). The policy also applies to volunteers, interns and persons providing services pursuant to a contract to the extent required by applicable local law.

See also Addendum applicable to California employees only, in this document below.

This Procedure is available online at [go/antiharassment](http://go/antiharassment). Printed copies may be requested from the Civil Rights and Title IX Coordinator.

There are many resources available to individuals who are involved in some way with an incident of discrimination, retaliation, or harassment, including sexual harassment. Please see Appendix A for contact information.

## 2. Proceedings Outside of Middlebury

Any individual has the right to pursue discrimination and harassment complaints, including sexual harassment and related retaliation utilizing local, state, or federal enforcement agencies, including local and state police agencies, as appropriate, regardless of whether they choose to file a complaint with Middlebury (see contact information available on the Civil Rights and Title IX website). The agencies listed on the Civil Rights and Title IX website 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.

### a. Criminal Complaints

Any student or employee may pursue criminal charges with local, state, or federal law enforcement agencies. Middlebury will offer and, upon request, provide assistance to individuals covered under this procedure 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.

### b. Orders of Protection

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. Individuals who have experienced Title IX Sexual Harassment may be eligible to pursue Orders of Protection, Restraining Orders and/or Relief from Abuse Orders from courts in the United States or courts outside of the United States as applicable. Middlebury will offer its support to individuals if they request Middlebury's assistance with making contact with law enforcement authorities and other external resources to seek such orders. Middlebury will respect such orders to the extent applicable.

### c. Assistance by Middlebury

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, via email, phone or teleconference to the CRTIX Coordinator, a HRO, or Public Safety for additional information regarding making reports to the police and/or obtaining an Order of Protection, Restraining Order, or Relief from Abuse Order.

## 3. What This Procedure Covers

This Non-Discrimination Investigations & Resolutions Procedure is intended to address instances of prohibited discrimination, including sexual harassment and other harassment, as defined in Middlebury's Non-Discrimination Policy that are not required by the Department of Education to be handled under Middlebury's Title IX Investigation & Resolutions Procedure.

Middlebury may, in exceptional circumstances, vary from this Procedure. So long as such a variation is consistent with relevant law and allows for fundamental fairness in the processes followed, variations from this process under those circumstances will not invalidate an outcome.

Middlebury complies with all applicable provisions of state and federal law which prohibit discrimination in employment, or in admission or access to its educational or extracurricular programs, activities, or facilities. With respect to Middlebury programs operating in states other than Vermont (e.g., California, New Mexico, and Washington D.C.), discrimination shall be defined as stated in the Non-Discrimination Policy unless the local law applicable to the program at issue mandates a broader definition, in which case such law will apply.

#### 4. Retaliation

Retaliation against an individual for raising an allegation of discrimination, for cooperating in an investigation of such a complaint, or for opposing discriminatory practices is prohibited under the Non-Discrimination Policy.

#### 5. Confidentiality

Certain Middlebury employees may maintain confidentiality, but most cannot. Although strict confidentiality may therefore not be guaranteed, in all cases Middlebury will handle information in a sensitive manner and will endeavor to protect the privacy of individuals and maintain confidentiality to the extent possible consistent with its obligations to respond to reports of discrimination, harassment and/or related retaliation.

This section is intended to inform students, faculty, and staff of the various reporting and confidential disclosure options available to them, so that they can make informed choices about where to go for help.

##### a. Confidential Resources

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 provide confidential information and support, and who can provide assurances that what is disclosed will not be acted on except in the circumstances outlined below. (For a list of confidential resources, see the Civil Rights and Title IX website).

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 MiddSafe Advocate. The medical, mental health, 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. 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 individual who is alleged to have violated this policy.

b. Non-Confidential Resources

Non-confidential resources are all faculty or staff members, including ombudpersons and residential life staff who are not medical or counseling professionals, clergy, or MiddSafe Advocates, and are therefore not permitted to honor requests for confidentiality. Nonconfidential faculty or staff who learn of an incident of discrimination, harassment or related retaliation involving a student are required to report that information to the HRO. (See Section B.1. for more information).

Faculty and staff who are “Campus Security Authorities” are required to report certain 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 harassment, discrimination and related retaliation involving employees to the HRO and/or to Human Resources.

General inquiries to Middlebury officials about policies or procedures, and conversations in which the alleged wrongdoer 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.

c. Confidentiality

Middlebury is responsible for providing a safe and nondiscriminatory environment for students, faculty and staff. Outside of the Confidential Resources outlined above, Middlebury will take reasonable steps to avoid disclosure of the identity of a complainant. Depending on a number of factors including the specifics of a concern, the identity of a complainant may become readily apparent. Middlebury will only disclose information regarding a concern of discrimination on a need to know basis or as required to by law.

d. Other Disclosures Required by Law

Middlebury will not include the names of complainants or other identifying information in publicly available reports as required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. 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, instances involving abuse of minors, or situations in which there is clear and imminent danger and/or a weapon may be involved.

## **Procedures for Addressing Harassment, Discrimination and Related Retaliation**

Middlebury encourages individuals to report incidents of discrimination, harassment and related retaliation so that they can obtain support and information and so that Middlebury can respond appropriately. Individuals are encouraged to report their concerns to the Civil Rights and Title IX Coordinator.

### **1. Reporting Requirements for Staff and Faculty**

All members of Middlebury's community are expected to promote an environment free from prohibited discrimination, harassment, including sexual harassment, and related retaliation.

Any faculty or staff member who learns of an incident of discrimination, harassment, or related retaliation involving a student must report this information to a Middlebury Human Relations Officer or the Civil Rights and Title IX Coordinator (see Appendix A for contact information), or the appropriate dean or program director in cases involving the Language Schools, Schools Abroad, Bread Loaf, the Middlebury Institute, MiddCore, School of the Environment, or other Middlebury program, as applicable, unless their status as a confidential resource precludes this disclosure. Confidential resources include the staff of the Center for Health and Wellness, the staff of the Chaplain's Office, MiddSafe Advocates, or other medical, counseling, support or religious personnel and volunteers who are required by law to maintain confidentiality. Please see Section A.5. Confidentiality for more information.

Employees with supervisory responsibility must report incidents of discrimination, harassment, including sexual harassment, or retaliation, and, if directed by HR or another appropriate official, take appropriate remedial action should such matters come to their attention. Supervisors should report any complaints or suspected acts of harassment, discrimination, or retaliation (even if they do not involve direct reports) to a HRO, Human Resources, or the Civil Rights and Title IX Coordinator in accordance with Section 2, below. Depending upon the circumstances of a given situation, supervisors may be responsible for taking steps such as, by way of example but not limitation, addressing issues directly with staff, faculty, or students whom they supervise, facilitating informal resolution or mediation of issues, providing information on avenues to address questions of harassment, discrimination, and/or retaliation, or pursuing complaints under the complaint procedures described here.

Failure to report or address harassment, discrimination, or retaliation complaints or suspected acts of harassment, discrimination, or retaliation appropriately in accordance with this section may be considered a violation of Middlebury's policy.

### **2. Complaint Procedures**

Any Middlebury student, faculty member, staff member or applicant (for employment or to any Middlebury program) who has reasonable cause to believe that discrimination or harassment, including sexual harassment, has occurred or is occurring, or who believes that a student, faculty member, staff member or applicant has been subjected to retaliation for having brought or supported a complaint of discrimination or harassment, is encouraged to bring that information to the immediate attention of the official who is designated to receive such reports in the Middlebury program at issue (reports or complaints can be made verbally or in writing).<sup>[1]</sup> Reports may also be made to the Civil Rights and Title IX Coordinator or any HRO (student, faculty and staff matters), or to Human Resources (employees).

If the designated HRO is unavailable, or if the HRO has a conflict of interest, the report should be made to the designated alternate HRO for the program at issue. The alternate shall have the same authority as the designated HRO to oversee investigations and adjudicate harassment, discrimination, and retaliation complaints. The names and contact information for offices and/or individuals serving as Human Relations Officers and alternate Human Relations Officers in Middlebury's various programs and locations are listed on the Civil Rights and Title IX website.

Middlebury encourages students, faculty, staff and applicants to report instances of unwelcome protected-characteristic-related conduct (including unwelcome conduct of a sexual nature) even if the conduct is not sufficiently severe such that it undermines and detracts from or interferes with an individual's education, work performance, or access to Middlebury resources, or creates an intimidating, hostile, or offensive educational, work, or living environment. Middlebury encourages such reports, including through our online form, so that the behavior can be addressed before it creates a hostile environment for the affected individual. In such instances, the HRO and/or other Middlebury officials, to the extent appropriate, will address the conduct in a manner that is reasonably calculated to prevent its reoccurrence.

When the HRO receives actual notice - i.e., a written or oral complaint or report directed to the HRO - of conduct that may constitute prohibited discrimination or harassment (including sexual harassment) or related retaliation that may be investigated and adjudicated under this Procedure, Middlebury will initiate the following process, except as otherwise provided in subsection 5, below:

- a. The HRO will promptly determine initially whether the report or complaint alleges conduct that is prohibited by the Non-Discrimination Policy and whether an investigation and adjudication should proceed under this Procedure.
- b. If the HRO determines that the report or complaint does fall within the scope of the NonDiscrimination Policy and that an investigation and adjudication should proceed, a copy of the Non-Discrimination Policy and this Procedure will be provided to the complainant and the respondent and the parties will be notified that Middlebury is investigating the possibility that the respondent has violated the Non-Discrimination Policy using this Procedure (absent extenuating circumstances). The HRO will then, individually or in conjunction with other Middlebury offices or individuals (including, if warranted, independent investigators), promptly and equitably conduct or supervise an investigation that is appropriate under the circumstances. The investigation will be conducted in a prompt, thorough, fair, timely, equitable, and impartial manner.

The investigator is authorized to contact any and all individuals; Middlebury recognizes, however, that individuals who are bound by legal privileges may not be able to disclose privileged information, unless an exception applies. The investigator is authorized to access relevant records, except those legally protected as confidential or privileged, and may collect any additional evidence relevant to the complaint. The nature and scope of the investigation is within the sole discretion of the investigator and/or the HRO.

All witnesses identified in connection with an investigation under this Procedure are expected to cooperate fully in the investigation by providing complete, accurate, and truthful information. Middlebury policy prohibits intentionally making a false report or providing false or misleading information in any investigation under this Procedure. Complainants will not be deemed to have provided false or misleading information under this policy if their factual allegations are intended to be truthful and are made in good faith, regardless of whether the conduct complained of is ultimately found to constitute a policy violation.

Witnesses may be expected to sign statements or other documents memorializing the information provided in the course of the investigation and may be asked to keep the substance of the investigation interview confidential. Failure to cooperate fully with the investigator or other Middlebury official (including but not limited to providing false information, as described above) may subject the employee or student to the full range of disciplinary actions available to the supervising authority or responsible official in accordance with the program's existing policies and/or contracts, as applicable, up to and including termination of employment or suspension or expulsion from Middlebury.

The parties may retain legal counsel at any time, although legal counsel is not permitted to participate in Middlebury's investigation and adjudication process under this Procedure. Attorneys who wish to communicate about a case may contact Middlebury's legal counsel directly.

In cases where the student is a respondent, if at any point prior to or during the investigation and adjudication process, the HRO becomes aware that other Middlebury policies may have been violated in relation to the matter under investigation, these alleged policy violations may, where appropriate, also be resolved through the investigation and adjudication process in this Procedure. The decision to investigate and adjudicate other alleged policy violations is within the sole discretion of the HRO. In all cases the parties will be notified if the HRO determines that additional alleged policy violations will be investigated and adjudicated in accordance with the procedures set forth herein.

- c. The HROs, Civil Rights and Title IX Coordinator, Vice President for Academic Affairs/Dean of Faculty ("VPAA"), Human Resources Department, Vice President for Student Affairs, Dean of Students, Vice President for Academic Affairs and Dean of the Language Schools, Dean of International Programs, RDs, public safety staff, or other supervisory authority for the program at issue (or their designees) may also at any time take appropriate steps, including by way of example only, issuance of No Contact Orders, temporary changes in assignment of duties or housing, changes in class schedules or class requirements, or other accommodations, as appropriate, to protect complaining parties on an interim basis.
- d. After the investigation is completed, the investigator shall issue a report to the adjudicating HRO, together with recommended findings, based on a preponderance of the evidence standard, i.e., whether it was more likely than not that the Non-Discrimination Policy (or other Middlebury policies, if applicable) was violated. The report may be issued orally or in writing depending on the nature and complexity of the information.
- e. The adjudicating HRO is not bound by the investigator's report. Rather, it is advisory to the HRO. The adjudicating 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 should avoid duplicating the efforts of the investigator, as well as accepting the investigator's recommended finding without careful review of all of the evidence.
- f. Either party may choose to meet individually with the adjudicating HRO prior to the HRO's determination. The HRO may also request an individual meeting with either party or any other person(s) as appropriate.

- g. After review of the investigator's report and recommended finding, the HRO shall issue a determination as to whether a violation of the Non-Discrimination Policy occurred. The HRO's determination will be based on a preponderance of the evidence standard, and the HRO will reach a reasonable conclusion based on the evidence presented.
- h. If the HRO finds that a staff or faculty member has engaged in conduct that violates the Non Discrimination Policy the HRO will refer the matter to the appropriate supervisory authority (e.g., the Middlebury College VPAA or designee, Provost, the Middlebury Institute's Chief Academic Officer or designee ["the Middlebury Institute's CAO"], Vice President for Academic Affairs, Dean of the Language Schools, Dean of International Programs, in the case of a faculty member, as applicable to the program at issue, and/or the Middlebury College Human Resources Department, or the Middlebury Institute's Human Resources Department, as applicable, in the case of a staff member) to take appropriate remedial measures. The supervisory authority may impose disciplinary action under existing policies and/or contracts, as applicable (e.g., verbal warnings, written warnings, written reprimands, or termination of employment), or other action as deemed appropriate under the circumstances.
- i. If the HRO finds that a student has engaged in conduct that violates the Non-Discrimination Policy (or other Middlebury policies under investigation, if applicable), the HRO will refer the matter to the supervisory authority for the program in which the student is enrolled at the time of the misconduct and the supervisory authority for any other Middlebury program in which the student is or will be enrolled (e.g., the Vice President for Student Affairs, Dean of Students, Vice President for Academic Affairs and Dean of the Language Schools, Dean of International Programs, Dean of the Institute, Director of the Bread Loaf School of English, Director of the Bread Loaf Writer's Conference, etc.), as applicable, for disciplinary action. Such disciplinary action could include warnings, written reprimands, probationary status, official college discipline, or suspension or expulsion from any or all Middlebury program(s) in which the student is or will be enrolled or participating, or other 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 discrimination-free environment). Additional non-disciplinary outcomes, such as extending and modifying mutual No Contact Orders, may also be imposed regardless of the finding.

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(s) at issue, as applicable, for disciplinary action up to and including termination of employment and expulsion from Middlebury, or other action as deemed appropriate under the circumstances (see above).

- j. 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 present witnesses and other evidence. However, the decision to interview particular witnesses or consider evidence offered by the parties is within the sole discretion of the HRO and/or investigator.
- k. The complainant and respondent will ordinarily be notified of the HRO's determination as to whether there was a policy violation. In sexual harassment cases involving student complainants, both parties will be notified of the HRO's determination simultaneously in writing, to the extent permitted by law. However, information regarding discipline or sanctions will not be shared with any complainant under this policy except as permitted or required by law. [\[2\]](#)

### 3. Timely Investigation and Determination

Middlebury works to resolve all complaints handled under this Procedure in a timely manner. The investigation will be documented, and the HRO will track the investigation for reasonable and timely progress. Both the complainant and respondent will be informed when the investigation is complete, a determination has been issued, and, where appropriate, a sanction has been imposed.

Middlebury will not wait for the conclusion of a criminal investigation or proceeding to begin its own investigation and resolve complaints under this policy. Middlebury will, however, comply with valid requests by law enforcement for cooperation in a criminal investigation. As such, Middlebury may need to delay temporarily an investigation under this policy while law enforcement is in the process of gathering evidence. Once law enforcement has completed gathering evidence, Middlebury will promptly resume and complete its investigation. Middlebury may also take interim measures to ensure the safety and well-being of the complainant and the school community while law enforcement is gathering evidence.

### 4. Appeals

In cases where the respondent is a student, the complainant and respondent each has the right to appeal the outcome under the circumstances described below. The right of appeal is only available to a respondent or complainant who participated in the investigative process.

The purpose of an appeal is to review the adjudication process.

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 outcome; however, prior omission of factual information that the appealing party knew or reasonably should have known is not a ground for an appeal;
- procedural error where the error prevented fundamental fairness;
- The HRO, investigator(s), or another decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent, that affected the outcome of the matter.

An appeal must be made in writing to the appellate officer for the program in connection with which the finding of responsibility was made. Therefore, an appeal must be directed to the VPAA (complaints against undergraduate students and complaints against MiddCore students), the Provost (complaints against Language Schools, Schools Abroad, Bread Loaf School of English, Bread Loaf Writers' Conference, and School of the Environment students) or the Middlebury Institute's CAO (complaints against Institute students), as applicable.

Appeals must be made within 5 days of receipt of notice of the HRO's determination and must include the grounds for appeal and an outline of any supporting evidence.

The Middlebury official responsible for hearing the appeal (i.e., VPAA, Provost, or the Middlebury Institute's CAO, as applicable) will invite an informational response to the appeal from the HRO and the other party (to the extent permitted by law), who may respond within 5 business days of the request. The Middlebury official may request assistance from the original investigator, or from a new investigator, or any other relevant individual, as necessary.

The Middlebury official may deny the appeal, or if one or more of the appeal grounds have been met, may:

- return the case to the original HRO for reconsideration; or
- appoint an alternate HRO to review the case, which will ordinarily occur when the original outcome was deemed to be affected by an official's bias.

It is the responsibility of the Middlebury official to determine which aspects of the case merit a new review, and to direct the HRO accordingly.

Absent extenuating circumstances, the Middlebury official will notify the complainant and respondent of the appeal decision simultaneously in writing within 15 days, to the extent permitted by law, and will notify the HRO in writing of instructions for any further action.

All decisions by the Middlebury official following a second review of the case are final.

## 5. Informal Resolutions/Disposition Prior to a Final Determination

At all stages of the investigation and determination processes, Middlebury officials, when appropriate, may make available to complainants informal resolution options for resolving complaints. In assessing whether alternative dispute resolution is appropriate, Middlebury officials may consider factors such as, for example, (1) the nature of the allegations, (2) the agreement of the complainant and the respondent, (3) other relevant factors such as any disability of the complainant or the respondent, or any history of misconduct or other policy violations by the respondent. A complainant will not be required to engage in alternative dispute resolution and may end the alternative dispute resolution process at any time. If the complainant ends the alternative resolution process or if the process is either not appropriate or is unsuccessful, Middlebury officials shall continue to respond to the allegations in accordance with this Procedure.

If at any point before or during the investigation, a student respondent chooses to accept responsibility under this policy, the HRO may issue a determination and refer the matter to the appropriate supervisory authority for the program at issue in accordance with Section B.2.i., above. The supervisory authority may issue a sanction and/or take other action that is reasonably calculated to address the harassment or discriminatory conduct and prevent its recurrence.



6. Scope of Oversight (Students)

Students will be held accountable for the Scope of Oversight provision in section II.B.2.a.iii. of the Handbook.

Middlebury retains sole discretion to determine whether to initiate an investigation and adjudication under this Procedure regardless of the outcome of any disciplinary proceeding conducted by a non-Middlebury institution or program and/or the outcome of any law enforcement investigation or court proceeding.

In cases where a student is found responsible for a policy violation while participating in any Middlebury program, the finding of responsibility may also be referred to the appropriate authority overseeing any additional Middlebury program or other school or program in which the student is or will also be enrolled for other action as deemed appropriate (see also Section B.2.i., above). This may include but is not limited to: further investigation; additional adjudication under existing policies (using only information gathered in the first disciplinary process, or using subsequently gathered information, or both, as deemed appropriate by the overseeing authority); disciplinary action; or other remedies or processes deemed appropriate by the authority overseeing the additional Middlebury and/or other program or school in which the student is or will be enrolled.

7. Emergency Removals

Middlebury's Emergency Removals Policy is found at section I.C.3 of the Handbook.

8. Plans or Directives Issued by the Human Relations Officer

In any case in which a finding of harassment, discrimination, or retaliation has been issued, violation of a plan or directive to address the harassment, discrimination, or retaliation may be grounds for further discipline.

9. Revisions & Complaints about the Civil Rights & TIX office

The Non-Discrimination Policy and this Procedure may be amended from time to time; the policies and procedures published on Middlebury's Website should be consulted for any updates. Amended policies and procedures, as published through Middlebury's Website, shall supersede wholly any prior versions. Reasonable accommodations will be provided for persons with disabilities who need assistance in reviewing the Non-Discrimination Policy and this Procedure and/or filing or pursuing a complaint under this Procedure, upon request.

A student may file a complaint of discrimination, harassment, including sexual harassment, or related retaliation relating to the conduct of the HRO, Civil Rights and Title IX Coordinator, or investigator appointed under this policy with Khuram Hussain, Vice President of Equity and Inclusion (315.729.2286; [khussain@middlebury.edu](mailto:khussain@middlebury.edu)), or the appropriate supervisory authority for the Institute, as appropriate given the program at issue. Faculty and staff may file complaints relating to the conduct of the HRO, Civil Rights and Title IX Coordinator, or investigator appointed under this policy with Khuram Hussain, Vice President of Equity and Inclusion (315.729.2286; [khussain@middlebury.edu](mailto:khussain@middlebury.edu)). These officials may appoint an individual to serve as a special alternate HRO, as appropriate.



10. The Human Relations Officer and Record Keeping

The HRO may keep confidential records or reports developed under this Procedure and the actions taken in response to those reports, and use them for purposes such as to identify individuals or departments likely to benefit from training. Information about the HRO is available at several college offices: Human Relations Office, Civil Rights and Title IX Coordinator/ Compliance Officer, Vice President for Student Affairs, Dean of Students, Commons deans, Vice President for Academic Affairs and Dean of the Faculty, Public Safety, Human Resources, program directors, and the Middlebury Institute's HROs.

11. Addendum (California Employees Only)

California law has specific requirements for what must be set forth in a harassment/ discrimination policy applicable to employees. In accordance with California's Fair Employment and Housing Act Regulations ("FEHA"), and in addition to the policy provisions set forth above, this addendum applies to faculty, staff and other employees who are employed by the Middlebury Institute of International Studies at Monterey, Middlebury's Language Schools at Mills College and any other Middlebury program that is located in California.

### **Definitions of Prohibited Conduct**

#### *Employees*

With respect to protections of individuals from unlawful harassment, the term "employee" shall include unpaid interns, volunteers, and persons providing services pursuant to a contract. With respect to protections of individuals from unlawful discrimination, the term "employee" shall include a person who serves in an unpaid internship or any other limited-duration program that provides work experience.

#### *Discrimination*

Discrimination is defined as conduct directed at an individual based on their perceived or actual race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex (includes pregnancy, childbirth, breastfeeding, and related medical conditions), gender, gender identity, gender expression, age (over 40), sexual orientation, or military and veteran status of any person and/or any other status or characteristic as defined and to the extent protected by law.

Discrimination is established if a preponderance of the evidence demonstrates that an enumerated basis (see above definition) was a substantial motivating factor in the denial of an employment benefit to that individual by the employer or other covered entity, and the denial is not justified by a permissible defense. This standard applies only to claims of discrimination on a basis above (see also Government Code Section 12940, subdivision (a)), and to claims of retaliation under Government Code section 12940 subdivision (h). A substantial factor motivating the denial of the employment benefit is a factor that a reasonable person would consider to have contributed to the denial. It must be more than a remote or trivial factor. It does not have to be the only cause of denial.

## *Harassment*

Harassment is defined as verbal, written, visual, or physical conduct based on or motivated by an individual's actual or perceived race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex (includes pregnancy, childbirth, breastfeeding, and related medical conditions), gender, gender identity, gender expression, age (over 40), sexual orientation, or military and veteran status of any person and/or any other status or characteristic as defined and to the extent protected by law in the location where a particular program is operating, that has the purpose or effect, from the point of view of a reasonable person, of objectively and substantially:

1. undermining and detracting from or interfering with an individual's educational or work performance or access to Middlebury resources; or
2. creating an intimidating, hostile, or offensive educational, work, or living environment.

Harassment may include but is not limited to:

1. Verbal harassment, e.g., epithets, derogatory comments or slurs on a basis enumerated in the above;
2. Physical harassment, e.g., assault, impeding or blocking movement, or any physical interference with normal work or movement, when directed at an individual on a basis enumerated above;
3. Visual forms of harassment, e.g., derogatory posters, cartoons, or drawings on a basis enumerated above; or
4. Sexual favors, e.g., unwanted sexual advances, which condition an employment benefit upon an exchange of sexual favors.

## *National Origin*

1. National origin includes, but is not limited to, the individual's or ancestors' actual or perceived:
  - a. physical, cultural, or linguistic characteristics associated with a national origin group;
  - b. marriage to or association with persons of a national origin group;
  - c. tribal affiliation;
  - d. membership in or association with an organization identified with or seeking to promote the interests of a national origin group;
  - e. attendance or participation in schools, churches, temples, mosques, or other religious institutions generally used by persons of a national origin group; and
  - f. name that is associated with a national origin group.
2. "National origin groups" include, but are not limited to, ethnic groups, geographic places of origin, and countries that are not presently in existence.
3. "Undocumented applicant or employee" means an applicant or employee who lacks legal authorization under federal law to be present and/or to work in the United States.

## **Retaliation**

Retaliation against any individual because the individual has opposed discrimination or harassment on the basis of any protected category, has participated in the filing of a complaint, or has testified, assisted, or participated in any other manner in a proceeding in which discrimination, harassment, or retaliation has been alleged is prohibited.

Retaliation may include, but is not limited to:

1. threatening to contact or contacting immigration authorities or a law enforcement agency about the immigration status of the employee, former employee, applicant, or a family member (e.g., spouse, domestic partner, parent, sibling, child, uncle, aunt, niece, nephew, cousin, grandparent, great-grandparent, grandchild, or great-grandchild, by blood, adoption, marriage, or domestic partnership) of the employee, former employee, or applicant; or
2. taking adverse action against an employee because the employee updates or attempts to update personal information based on a change of name, social security number, or government-issued employment documents.

### *Prohibited Conduct (Coworkers, Third Parties, Supervisors and Managers)*

The law prohibits coworkers and third parties, as well as supervisors and managers, with whom the employee comes in contact from engaging in unlawful harassment, discrimination, or retaliation.

#### **1. Complaint Process**

Employees may complain orally or in writing. The complaint reporting process is described in more detail in Section B above. In addition to those procedures, the parties involved in a harassment, discrimination or related retaliation complaint will receive a designation of confidentiality, to the extent possible. Confidentiality will be kept by Middlebury to the extent possible, although Middlebury cannot promise absolute confidentiality.

When Middlebury receives allegations of misconduct under this policy, it will conduct a fair, timely, and thorough investigation and reach reasonable conclusions based on the evidence presented.

Supervisors must report any complaints of misconduct under this policy to a Human Relations Officer so that Middlebury can try to resolve the claim internally. (This provision does not preclude employees from filing complaints with external agencies. See the Civil Rights and Title IX website for more information.).

If at the end of the investigation misconduct under this policy is found, appropriate remedial measures shall be taken. The investigation will be documented, and the Human Relations Officer will track the investigation for reasonable progress.

## 2. Dissemination of the Policy

This addendum, along with the full text of [Middlebury's Non-Discrimination Investigations & Resolutions Procedure](#), will be disseminated to all California employees via email with an acknowledgment return form.

For the remaining sections under this policy including policy regarding relationships between faculty, staff and students, and intellectual inquiry, go to <https://www.middlebury.edu/handbook/pages/i-policies-for-all/non-discrim-policies/anti-harassment-discrimin/>

## Non-Discrimination Title IX Investigation and Response Procedure (Handbook B.1.b.(1))

### **What This Procedure Covers**

This Title IX Formal Grievance Procedure (“Procedure”) applies to instances of Sexual Harassment (as defined by May 2020 U.S. Department of Education Title IX regulation) which occur on or after August 14, 2020. All references to Sexual Harassment within this Procedure are intended to apply to and comply with the definition of Sexual Harassment as defined by Department of Education in its Title IX regulation.

Middlebury may, in exceptional circumstances, vary from this Procedure. So long as such a variation is consistent with Title IX regulations and allows for fundamental fairness in the processes followed, variations from this process under those circumstances will not invalidate an outcome.

Except as otherwise specified herein, this Procedure applies to faculty, staff and students, as well as to others who participate or attempt to participate in Middlebury's programs and activities. This includes the undergraduate college, the Language Schools, the School of the Environment, MiddCore, Bread Loaf School of English, Bread Loaf Writers' Conference, and the Middlebury Institute of International Studies at Monterey (“the Institute”). [\[1\]](#) Faculty and staff are, together, referred to as “Employee” or “Employees” in this Procedure.

This Procedure applies to Sexual Harassment as defined by the Department of Education and as set forth in the [Non-Discrimination Policy](#) so long as the following conditions are met:

- (i) The alleged conduct was perpetrated against a person in the United States; and
- (ii) The alleged conduct took place within Middlebury's programs and activities, meaning that the conduct occurred in a location, at an event, or in a circumstance where Middlebury exercises substantial control over both the respondent and the context in which the conduct occurs, or in any building owned or controlled by a student organization recognized by Middlebury; and, the Complainant is participating in or attempting to participate in Middlebury's programs or activities.

Conduct that occurs off campus in locations or at events without direction or control by Middlebury does not meet the definition of occurring in “a program or activity of Middlebury”. Such conduct may be prohibited under other Middlebury policies, including the Non-Discrimination Policy provisions addressing forms of discrimination other than Title IX Sexual Harassment, and is addressed using different procedures. Only behavior meeting the definitional requirements of this section will be addressed utilizing this Procedure. Where a complaint alleges other Middlebury policy violations arising out of the same facts and circumstances as allegations that must be addressed utilizing this Procedure, Middlebury may, in its discretion, address those other alleged violations through this Procedure.

Conduct that occurred prior to August 14, 2020 will be investigated and adjudicated consistent with the procedures detailed in the [SMDVS Policy](#) and/or the [Anti-Harassment/Discrimination Policy](#) in effect during Academic Year 2019-2020, prior to the August 14, 2020 effective date of the Department of Education's May 2020 regulations. However, informal or “adaptable” resolutions may be available to address concerns about alleged conduct under the Non-Discrimination Policy regardless of the date it occurred.

### **Reporting Title IX Sexual Harassment**

***In order to fulfill its commitment to fostering a safe and inclusive learning environment, Middlebury values reporting of all types of sexual harassment, which includes sexual assault.*** Any person who believes that they have been subject to Title IX Sexual Harassment, or who has reason to believe that Title IX Sexual Harassment has occurred or is occurring, should report this information to the immediate attention of the Civil Rights and Title IX (“CRTIX”) Coordinator. The CRTIX Coordinator is:

#### **Civil Rights and Title IX Coordinator**

Butterfly Boire

Middlebury College Service Building

802.443.2147

[bboire@middlebury.edu](mailto:bboire@middlebury.edu)

#### **Deputy Civil Rights and Title IX Coordinator**

Taryn Moran

Middlebury College Service Building

802.443.5840

[tarynm@middlebury.edu](mailto:tarynm@middlebury.edu)

A report or complaint may be made verbally (in person, by phone, or videoconferencing) during applicable business hours, or in writing (via mail or email) 24 hours per day, 7 days per week. You may also report using the online reporting tool at [go/report](#). Please note that while a report may be made anonymously, this will limit Middlebury's ability to take action to provide supportive measures or to address the situation.

### **Which Middlebury Employees Must Report Sexual Harassment?**

***With the exception of certain persons designated as “Confidential Resources,” as described below, all Middlebury employees must report any incident that could constitute Sexual Harassment involving a Middlebury student, employee or other covered person, to the CRTIX Coordinator and/or an HRO.*** The report should include relevant details about the incident of which they are aware, including the names of the parties, any witnesses, and any other relevant facts, including the date, time, and specific location of the alleged incident. To the extent possible, information reported will be shared with others only to the extent necessary to respond to the situation and support the parties and in accordance with state and federal law. Examples include individuals who are responsible for processing, investigating, adjudicating, and responding to sexual misconduct, domestic and dating violence and misconduct, stalking and/or related retaliation reports; deans; program directors; supervisors; Human Resources staff; and Department of Public Safety or other campus security personnel who are responsible for reporting campus crime statistics and issuing timely warnings under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

## WHO ARE CONFIDENTIAL RESOURCES?

Confidential Resources include the staff of the Parton Center for Health and Wellness, the staff of the Chaplain's office, Middlebury Safe and Confidential Advocates ("MiddSafe") [\[2\]](#) or other medical, counseling, support or religious personnel and volunteers who are required by law to maintain confidentiality. Middlebury encourages individuals to use confidential services. Individuals who seek those services should understand that confidentiality is not absolute and that those resources may have ethical or legal obligations to report certain information to others. As one example, Confidential Resources are typically obligated under state law to report instances of child abuse.

## PARTICIPATION AND COOPERATION

All members of Middlebury's community covered by the Non-Discrimination Policy and identified in connection with an investigation under this Procedure are expected to cooperate and provide complete, accurate, and truthful information. Middlebury prohibits intentionally making a false report or providing false or misleading information in any investigation under this Procedure. Complainants will not be deemed to have provided false or misleading information under this Procedure if their factual allegations are intended to be truthful and are made in good faith, regardless of whether the conduct complained of is ultimately found to constitute a policy violation.

Witnesses may be expected to sign statements or other documents memorializing the information provided in the course of the investigation and may be asked to keep the substance of the investigation interview confidential.

## SUPPORTIVE MEASURES (PREVIOUSLY CALLED "INTERIM MEASURES")

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include but are not limited to:

- counseling;
- academic accommodations, such as extensions of deadlines or other course-related adjustments, course changes or late drops, or other arrangements as appropriate (see the Academics: Course Registration and Conduct of Courses and Grades and Transcripts sections of the Handbook for more information);
- modifications of work or class schedules;
- campus escort services;
- mutual restrictions on contact between the parties;
- Residential accommodations, including but not limited to arranging for new housing, or providing temporary housing options, as appropriate;
- changes in work locations;
- leaves of absence;
- increased security and monitoring of certain areas of the campus;

- 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 (see Appendix C for a list of resources);
- No Trespass Notices prohibiting the presence of an individual on Middlebury property, and/or other properties on which Middlebury programs are occurring;
- 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;
- and other similar measures.

It is not necessary to file a complaint with Middlebury, participate in an adjudication process, or file a criminal complaint in order to request supportive measures from Middlebury.

Where a complainant reportedly subjected to Sexual Harassment makes a request for supportive measures 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.

Students or employees seeking supportive measures should direct their request to the CRTIX Coordinator, HROs, Human Resources, dean, or program director, as appropriate. The request will be evaluated and responded to by the CRTIX Coordinator or designee (e.g. HROs, Commons dean, or program director) after consultation, as needed, with the appropriate authority or authorities for the school or program at issue. The CRTIX Coordinator is ultimately responsible for coordinating the effective implementation of supportive measures. Factors to be considered in determining whether to provide certain supportive measures 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.

Middlebury will maintain as confidential any supportive measures provided to a party, to the extent that maintaining such confidentiality would not impair the ability of Middlebury to provide the supportive measures. As such, Middlebury may need to disclose some information about the individual to a third party to provide the supportive 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: CRTIX Coordinator, an HRO, dean, Public Safety officer or program director. The decision to disclose information will be made after careful consideration of possible alternatives to disclosure and/or limiting the information provided to the third party as much as possible without compromising Middlebury's ability to provide the supportive measures.

## EMERGENCY REMOVAL AND ADMINISTRATIVE LEAVE

Nothing in this Procedure limits Middlebury's rights to terminate or suspend the employment of any staff or faculty member under otherwise-applicable Middlebury policies, practices, contracts, or procedures.

### **1. Emergency Removal**

Where there is an immediate threat to the physical health or safety of any student or other individual arising from the alleged Title IX Sexual Harassment, Middlebury can remove a respondent from its education program or activity (which may include removing an employee respondent from their employment at Middlebury) and issue any necessary related no-trespass and no-contact orders. Middlebury will make the decision to remove a respondent from its education program or activity based on an individualized assessment and risk analysis. If Middlebury makes such a decision, the respondent will be provided with notice and an opportunity to challenge the decision immediately following the removal.

### **2. Administrative Leave for Employees**

Middlebury may place employee respondents (non-students) on paid administrative leave during the pendency of an investigation and resolution process as outlined below. Middlebury reserves the right to place an employee respondent (non-student) on unpaid administrative leave during the pendency of an investigation and resolution process. In those instances in which Middlebury determines that an administrative leave will be unpaid and the respondent was not offered the opportunity to challenge the suspension without pay before it was imposed through some other process, the respondent may present a written challenge regarding the need for or the adequacy of the unpaid administrative leave to the CRTIX Coordinator. Once a written challenge of unpaid administrative leave is received, the CRTIX Coordinator will involve the relevant Middlebury leadership, which may include Human Resources and/or department leaders, and schedule a virtual or in-person meeting with the respondent prior to making a determination.



## OPTIONS TO PURSUE CRIMINAL OR LEGAL ACTIONS (REPORTING OUTSIDE OF MIDDLEBURY)

### **1. Criminal Complaints**

Any student or employee may pursue criminal charges with local, state, or federal law enforcement agencies. Middlebury will offer and, upon request, provide assistance to individuals covered under this procedure 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.

### **2. Orders of Protection**

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. Individuals who have experienced Title IX Sexual Harassment may be eligible to pursue Orders of Protection, Restraining Orders and/or Relief from Abuse Orders from courts in the United States or courts outside of the United States as applicable. Middlebury will offer its support to individuals if they request Middlebury's assistance with making contact with law enforcement authorities and other external resources to seek such orders. Middlebury will respect such orders to the extent applicable.

### **3. Assistance by Middlebury**

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, via email, phone or teleconference to the CRTIX Coordinator, an HRO, or Public Safety. For additional information regarding making reports to the police and/or obtaining an Order of Protection, Restraining Order, or Relief from Abuse Order.

## **Formal Complaints / Grievances & Pre-Investigation**

In addition to the reporting options and access to supportive measures addressed above, a complainant may file a formal written complaint alleging Title IX Sexual Harassment against a respondent and requesting that Middlebury investigate the allegation. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in Middlebury's programs or activities. A formal complaint may be filed with the CRTIX Coordinator in person, by mail, or by electronic mail, by using the contact information contained in Section II, above.

### **1. Pre-Investigation: Determinations of Applicable Procedures, Dismissals, Transfers and Appeals of Such Determinations**

- a. Middlebury will investigate alleged Title IX Sexual Harassment where a complainant submits a signed or electronically submitted formal complaint to the CRTIX coordinator, requests an investigation, and the signed written complaint meets the requirements of this section. In cases where the complainant does not wish to submit a formal complaint but the CRTIX Coordinator decides in their discretion to sign a complaint and initiate an investigation and resolution process, the CRTIX Coordinator will not be a complainant or otherwise a party to the matter. Middlebury will terminate the Title IX Sexual Harassment Investigation if a complainant notifies the CRTIX Coordinator in writing that the complainant would like to withdraw the formal complaint.
- b. When a complainant requests an investigation,
  - (1) the CRTIX Coordinator will, promptly upon receipt of a report, determine whether:
    - (a) the conduct alleged would, if proved, constitute Title IX Sexual Harassment (i.e., Quid Pro Quo Sexual Harassment, Severe, Pervasive and Objectively Offensive Sexual Harassment, Sexual Assault, or sex-based Domestic Violence, Dating Violence or Stalking) as defined in the Non-Discrimination Policy as Title IX Sexual Harassment;
    - (b) the conduct allegedly occurred in Middlebury's education program or activity; and
    - (c) the conduct allegedly occurred in the United States.
  - (2) the CRTIX Coordinator/HRO or designee may gather additional information as appropriate before making the determinations required by part (a) of this subsection. During any such initial inquiry, all individuals are expected to cooperate.
- c. If some but not all of the conduct alleged in the complaint satisfies all 3 of these elements and a formal complaint is received from a complainant or signed by the CRTIX Coordinator, Middlebury may choose to address the entire matter through this Title IX Sexual Harassment Procedure (that is, it will as required by federal regulations follow Title IX Sexual Harassment procedures to address the alleged Title IX Sexual Harassment, and it may, to promote efficiency or for other compelling reasons, choose to follow this Title IX Sexual Harassment Procedure to address other prohibited conduct in such mixed cases, so that all related misconduct may be addressed through one investigation and resolution process).

- d. If it appears based upon initial review or upon information gathered during an investigation that the matter does not satisfy and/or no longer satisfies all 3 of these elements, Middlebury will, as required by Title IX regulations, dismiss the matter from the Title IX Sexual Harassment Procedure, and will transfer it for handling under the Non-Discrimination Investigation and Resolutions Procedure or other Middlebury procedures, as deemed appropriate by Middlebury.
- e. Even if the allegations of a matter fall within the definition of Title IX Sexual Harassment, Middlebury may (but is not required to) dismiss a formal complaint or any allegations therein if at any time during the investigation or resolution process:
  - A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
  - The respondent is no longer enrolled or employed by Middlebury; or
  - Specific circumstances prevent Middlebury from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
- f. If a formal complaint is dismissed by Middlebury under the circumstances described above, Middlebury will simultaneously provide to the parties written notice (by electronic or other means) of the dismissal and the reasons for the dismissal, and notice of the parties' opportunity to appeal such dismissal through the Title IX Sexual Harassment appeal procedures outlined below.
- g. If the respondent is a Student and an Employee, the CRTIX Coordinator will determine which procedures apply based upon the facts and circumstances, such as whether the respondent's status as a Student or an Employee predominates in the context of the Prohibited Conduct. If a Student-Employee is found to have engaged in Prohibited Conduct, the Student-Employee may be subject to sanctions both in connection with their employment and in connection with their student status, as appropriate under these and other applicable procedures.

**Additional Policy Violations:**

- (1) If the CRTIX Coordinator/HRO becomes aware, at any point prior to or during the investigation and adjudication process, of additional allegations against the respondent that, if proven, could constitute violations of other non-academic policies, including harassment or discrimination investigated under Middlebury's Anti-Harassment/Discrimination Policy, these allegations may, at Middlebury's discretion, be investigated and adjudicated in accordance with the procedures set forth herein. In matters involving Employees, where the CRTIX Coordinator/HRO becomes aware of additional allegations of violations of Middlebury Policy, those concerns will be reported to the Employee's appropriate supervisory authority (e.g., VPAA/dean of the Faculty, VPAA/dean of the Institute, VPAA/dean of the Language Schools, Executive Vice President/ Provost), who, in consultation with Human Resources, will consider whether and how to proceed under the relevant Faculty Handbook or Employee Handbook procedures and/or applicable contracts or policies.
- (2) If one party alleges that another party violated a No Contact Order (NCO) or No Trespass Notice (NTN) and makes the allegations at a time when they can be evaluated during an ongoing Title IX Sexual Harassment investigation/adjudication or after the Title IX Sexual Harassment investigation/adjudication process has been completed, the HRO or HRO's designee will determine how to proceed.

- (3) If the HRO does not assume jurisdiction, the allegations may be addressed through Middlebury's conduct process for the appropriate school or program, or through the appropriate employment process. Alternatively, the HRO may designate an appropriate Middlebury official(s) to oversee and/or conduct an investigation and adjudicate the matter. If a violation of a NCO or NTN is found, the matter will be referred to the appropriate supervisory authority for discipline and/or other appropriate action in accordance with existing handbook policies.
- (4) If the HRO assumes jurisdiction over the allegations and deems an investigation to be necessary, the HRO will determine the scope, process, and timeline of the NCO/NTN investigation and adjudication, which may not necessarily follow the procedures outlined in this Title IX Investigation & Resolutions Procedure, if the HRO determines that using other procedures is more appropriate. The HRO has the discretion to determine whether an advisor of choice may be present at any processes or meetings related to an NCO/NTN investigation, depending on the circumstances. Both parties will have an opportunity to review and respond to all evidence relevant to the NCO/NTN investigation according to a timeline established by the HRO. The HRO will make a finding and will refer the matter to the appropriate sanctioning authority if a violation is found. Should the HRO determine that an NCO/NTN violation may also constitute retaliation, the parties will be notified in writing that retaliation will be added to the policies under consideration in the Title IX Sexual Harassment investigation or be part of a subsequent investigation, as applicable.
- (5) In all cases the parties will receive written notification if the CRTIX Coordinator/HRO determines that additional possible policy violations will be investigated and adjudicated in accordance with the Title IX procedures set forth herein or through a different set of procedures.

## **2. Bias**

If either party is concerned that an official involved in the investigation or adjudication (such as, for example, an investigator, CRTIX Coordinator, 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 CRTIX Coordinator; concerns about the CRTIX Coordinator or an HRO should be shared with the Chief Diversity Officer. 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, or CRTIX Coordinator is appointed, the alternate shall have the same authority as the originally designated official.

### **3. Additional Procedures for Dismissed Complaints.**

If the CRTIX Coordinator dismisses a complaint under subsections (A)(1) or (A)(6) of this Part III, the CRTIX must promptly:

- a. inform the parties that the dismissal is appealable in accordance with the appeal provisions described in this Procedure, below; and
- b. consider whether the conduct alleged, if proved, would constitute a violation of Middlebury policy that should be investigated and adjudicated in accordance with another Middlebury policy, and initiate applicable procedures accordingly.

## **Investigations**

### **1. Investigations Procedure**

#### **a. General Investigation Provisions**

As required by the 2020 Title IX regulations, in investigations conducted under this Procedure, the following provisions will apply:

- The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on Middlebury and not on the parties;
- Parties will have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- Parties are not restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence; and
- When a party is invited or expected to attend a hearing, investigative interview, or other meeting, they will receive written notice of the date, time, location, participants, and purpose of such a hearing, investigative interview or meeting, with sufficient time for the party to prepare to participate.

#### **b. Initial Notice of Investigation**

When Middlebury initiates an investigation under this Procedure it will provide to the parties a written notice (by electronic or other means) that includes:

- Information about Middlebury's formal and informal resolution processes;
- A statement of the allegations of behavior potentially constituting Title IX Sexual Harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial post-intake interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Title IX Sexual Harassment, and the date and location of the alleged incident, if known;
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- Information regarding Middlebury's presumption of good faith reporting and a summary of false complaint information outlined below;

- Notification that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney; and
- Notification that the parties may inspect and review evidence during the investigation and resolution process, as provided below.

If, in the course of an investigation, Middlebury decides to investigate allegations about any party that are not included in the notice described above, it will provide notice of the additional allegations to the parties whose identities are known.

c. **Consolidation of Formal Complaints**

Middlebury may consolidate formal complaints of Title IX Sexual Harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of such Title IX Sexual Harassment arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this section to the singular “party,” “complainant,” or “respondent” include the plural, as applicable.

d. **Disabilities**

Students registered with the Disability Resource Center can request accommodations to ensure their full and equal participation in any conduct process and/or proceeding. Accommodation requests may be made directly to the CRTIX Coordinator. Accommodations are determined on an individual basis in consultation with the ADA Coordinators. Employees with disabilities may contact Human Resources.

## **2. Conduct of the Investigation**

- a. The CRTIX Coordinator will appoint an investigator. In selecting the investigator for a particular matter, the CRTIX Coordinator will take care to select an individual who does not have a conflict of interest or bias against complainants or respondents generally or an individual complainant or respondent. The CRTIX Coordinator will notify the parties of the identity of the investigator and parties may, within three calendar days of such notice, object to the appointment of the investigator by providing a written statement (which may be transmitted electronically) as to why the party believes that the investigator has a conflict of interest or bias. The CRTIX Coordinator will make decisions regarding such objections and the appointment of an alternate investigator, as necessary.
- b. The investigator is authorized to contact any and all individuals who may have relevant information. The nature and scope of the investigation is within the discretion of the investigator. The investigator is authorized to access relevant records, except those legally protected as confidential or privileged, and may collect any additional evidence relevant to the complaint. Middlebury recognizes, however, that individuals who are bound by legal privileges may not be able to disclose privileged information, unless an exception applies. The investigator will not access, consider, disclose or otherwise use a party's privileged records without the party's voluntary, written consent to do so, and such information will not be deemed relevant to an investigation or adjudication absent the voluntary, written consent of the party.

- c. 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 particular evidence submitted or interview any particular witness, even if identified by one of the parties.
- d. All participants in the investigation are expected to provide complete, accurate, and truthful information.

### **3. Preliminary Report**

- a. After the complainant and the respondent have had the opportunity to make their own statement and to identify witnesses and other potential information, and the investigator has completed witness interviews and the gathering of evidence, the investigator will prepare a preliminary report.
- b. 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, including the evidence upon which Middlebury does not intend to rely in reaching a determination regarding responsibility and/or which the investigator does not deem relevant, and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Such evidence will not include privileged records or information that may have been gathered or received during the investigation, absent written consent from the party holding the privilege.
- c. Middlebury will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy.
- d. Parties and advisors are not permitted to download, print or copy such evidence subject to inspection and review, and are not permitted to re-disclose such evidence without Middlebury's permission. Parties and advisors will be required to sign an acknowledgment form indicating that they understand these prohibitions. Violations of these prohibitions may subject parties to Middlebury discipline under applicable conduct codes.
- e. 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. The complainant and the respondent must submit any comments, feedback, additional documents, evidence, suggested questions for individuals interviewed, requests for additional investigation, names of additional witnesses, or any other information they deem relevant to the investigator, including additional documents or other evidence, within 10 calendar days after the preliminary report is sent to them for review. The parties' written responses will be considered by the investigator prior to completion of the final investigative report, and some or all of the responses may be attached or otherwise incorporated into the final investigative report.
- f. In the event that new, relevant information is provided or identified at this stage, the information will be incorporated into the preliminary report as deemed appropriate by the investigator, and the complainant and the respondent will be provided a second opportunity to review and provide a written response regarding the new information, which the investigator will consider prior to completion of the final investigation report. Identification of new and relevant information after the parties' review of the preliminary report is likely to extend the time frame of the investigation.



#### **4. Final Investigative Report**

- a. After considering any written response submitted by either party, or after the 10 calendar day comment period has lapsed without receiving a written response or responses, the investigator will address any relevant issues identified by the complainant and/or the respondent, and as appropriate, pursue any additional investigative steps as needed. The final investigative report will be reviewed for completeness by the CRTIX Coordinator or one HRO (not the hearing officer) before it is issued.
- b. The final investigative report created by the investigator will fairly summarize relevant evidence and include as exhibits evidentiary materials as deemed appropriate by the investigator;
- c. The final investigative report will include the investigator's recommendation as to whether the respondent should be found responsible for violating the policy provisions at issue;
- d. At least 10 days prior to the hearing referenced below, Middlebury will send to each party and the party's advisor, if any, the final investigative report and exhibits in an electronic format or a hard copy, for their review and written response; and
- e. The final investigative report and the parties' written responses, if any, will be provided to the hearing officer in advance of the hearing.

### **Hearings and Determinations of Responsibility**

#### **1. In General**

Live hearings will be provided as required by the 2020 Title IX regulations. At the request of either party, Middlebury will provide for the hearing to occur with the parties located in separate rooms with technology enabling the hearing officer and parties to simultaneously see and hear the party or the witness answering questions. Live hearings may be conducted with all parties physically present in the same location or, at Middlebury's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

#### **2. Hearing Officers**

Hearings will be presided over by a hearing officer, who will make the decision by a preponderance of the evidence as to whether or not the respondent violated the policy provisions at issue. The hearing officer has broad authority to determine the process, timing and conduct of a hearing. For example, the hearing officer will determine the order of presentation, timing and overall duration of the hearing, what information and evidence will be heard, what information and questions are relevant to the determination of the matter, and what cross-examination questions will or will not be permitted. Hearing officers, ordinarily one of Middlebury's HROs, will be appointed by the CRTIX Coordinator. In selecting a hearing officer for a particular matter, the CRTIX Coordinator will take care to select an individual who does not have a conflict of interest or bias against complainants or respondents generally or an individual complainant or respondent. Middlebury will notify the parties of the identity of the hearing officer in advance of the hearing, and parties may, within 3 calendar days of such notice, object to the service of the hearing officer by providing a written statement (which may be transmitted electronically) as to why the party believes that the hearing officer has a conflict of interest or bias. The CRTIX Coordinator or designee will make decisions regarding such objections and the appointment of an alternate hearing officer, as necessary.



### **3. Advisors**

Each party may have an advisor of their choice present at a hearing for the limited purpose of conducting cross-examination on behalf of that party. Advisors are not required to be attorneys, but attorneys are permitted to serve as advisors. If a party does not have an advisor of their choice present at a hearing, Middlebury will without fee or charge to the party provide an advisor of Middlebury's choice, for the limited purpose of conducting cross-examination on behalf of that party. No later than 10 calendar days before the hearing, parties should inform the CRTIX Coordinator of the identity of any advisor of choice who will accompany them to the hearing, so that Middlebury will know whether or not it needs to arrange for the presence of a Middlebury-provided advisor, even if the party declines to attend the hearing.

At a time and manner deemed appropriate by the hearing officer, the advisor for each party will be permitted to ask the other party and any witnesses all relevant cross-examination questions and follow up questions, including those challenging credibility. Advisors must comply with the conduct expectations for hearings. Except for the limited role of asking cross-examination questions, advisors may not participate actively in the hearing and may not speak or otherwise communicate on the part of the party that the advisor is advising. However, the advisor may consult privately in a non-disruptive manner with their advisee during and/or at a recess in the hearing. Scheduling accommodations generally will not be made for advisors if they unduly delay the process. Middlebury reserves the right to take appropriate action regarding any advisor who disrupts the process, or who does not abide by the restrictions on their participation as determined in the sole discretion of the hearing officer, which may include exclusion of the advisor from the hearing and the appointment of an alternate Middlebury-provided advisor.

### **4. Middlebury Faculty and Staff as Advisors**

A Middlebury faculty or staff member who agrees to serve as an advisor to a complainant or respondent is not an agent of Middlebury when acting in that capacity and does not speak or act on Middlebury's behalf while serving as an advisor. The relationship between a party and their advisor for the TIX Sexual Harassment hearing is not confidential (or privileged), and the faculty or staff member's duties to Middlebury-including all reporting obligations-remain intact. Before agreeing to serve as an advisor, faculty and staff members should evaluate whether any conflict or potential conflict of interest may warrant their declining the invitation to serve as an advisor. In addition, only licensed attorneys can provide legal advice. Parties seeking legal advice should consult their attorney.

### **5. Requests for Appearance of Witnesses**

If a Party wishes to have an individual appear at the hearing as a witness, they must provide notice of the identity of the proposed witness and a brief description of the subject matter of the witnesses' testimony to the CRTIX Coordinator or designee at least 10 calendar days before the date of the hearing. The CRTIX Coordinator or designee, in consultation with the hearing officer as necessary, will determine whether the witness is likely to have information that is relevant to the hearing, and if it is determined that the witness is likely to have relevant information, the CRTIX Coordinator or designee will inform the witness that their presence at the hearing is expected. These provisions apply equally to both fact and expert witnesses.

## 6. Conduct of Hearings and Relevance

### a. Report to be provided to Hearing Officer

At or before the hearing, the hearing officer will receive a copy of the investigative report, any attachments thereto, and copies of the parties' written responses to the investigative report, if any, which will be part of the information of record to be considered by the hearing officer to the extent appropriate in light of the rules regarding evidence to be considered that are outlined below.

### b. General Order of the Hearing

- (1) Subject to the discretion of the hearing officer, hearings will ordinarily begin with introductory remarks by the hearing officer to explain the process, followed by a brief opening statement from any party who wishes to provide one, followed by the hearing officer's asking relevant initial questions of the parties as deemed appropriate by the hearing officer. During this portion of the hearing, advisors may confer privately and in a non-disruptive manner with their advisee, but they are not allowed to make opening statements or otherwise address the hearing officer or anyone else present at the hearing.
- (2) After the hearing officer has asked their initial questions of the parties, the hearing officer will permit each party's advisor to ask the other party all relevant questions and follow-up questions, including those challenging credibility. Subject to the discretion of the hearing officer, questioning of witnesses will generally follow a similar process, whereby the hearing officer will pose relevant questions to each witness, then the parties' advisors will be permitted to ask relevant questions of witnesses. In accordance with the 2020 Title IX regulations, such cross-examination by advisors will be conducted orally, and in real time by the party's advisor of choice and never by a party personally.
- (3) Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the hearing officer will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Advisors are not permitted to object to hearing officer decisions regarding relevance during a hearing.
- (4) The evidence gathered throughout the investigation will be made available at the hearing, and each party and/or their advisor (as applicable) will have an equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
- (5) At the discretion of the hearing officer, parties (but not their advisors) will usually be given an opportunity to make a closing statement at the conclusion of the hearing.

c. Evidence

- (1) Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant and will not be permitted, except for the limited circumstance where such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- (2) Information protected under a legally recognized privilege (such as, for example, privileged communications between a party and their physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a treatment capacity, or privileged communications between a party and their attorney), are not relevant unless the person holding the privilege has waived the privilege in writing and the hearing officer determines it is relevant.
- (3) If a party or witness does not submit to cross-examination at the live hearing, the hearing officer will not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the hearing officer will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

**7. Record of Hearings**

Middlebury will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

**8. Determinations Regarding Responsibility**

Within a reasonable time, the hearing officer (and if necessary the sanctioning authority, as provided below) will prepare and issue a written determination regarding responsibility and a recommendation on sanctions. In determining responsibility, the hearing officer will apply the preponderance of the evidence standard. The written determination will include:

- Identification of the section(s) of Middlebury's Non-Discrimination Policy alleged to have been violated;
- A description of the procedural steps taken from the receipt of the complaint through the determination, including but not limited to, as applicable, any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of definitions of Title IX Sexual Harassment in Middlebury's Non-Discrimination Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility; and
- Identification of Middlebury's procedures and permissible bases for the Complainant and Respondent to appeal (as outlined below).

The determination regarding responsibility becomes final either on the date that Middlebury provides the parties with the written determination of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.

If sanctions are necessary, they will be assigned in accordance with the Sanctions section below. The parties will receive notice simultaneously of the written determination and, if necessary, any sanctions as determined through the procedures outlined below.

## **Sanctioning**

1. If the hearing officer finds that the respondent engaged in behavior that violates Middlebury policy, the CRTIX Coordinator will, in accordance with this Procedure, forward the case to the appropriate supervisory authority for the program at issue ("sanctioning authority"), who will assign a sanction or sanctions, and other actions as appropriate. The hearing officer and the sanctioning authority will collaborate on the creation of a single written determination that will include the hearing officer's statement and rationale regarding responsibility as described in more detail above, a statement of and rationale for any disciplinary action Middlebury is imposing on the respondent, and whether remedies designed to restore or preserve equal access to the educational program or activity of Middlebury will be provided by Middlebury to the complainant.

In determining the sanction or sanctions and/or other actions, the sanctioning authority will be guided by a number of considerations, including but not limited to the following:

- The severity, pervasiveness and/or objective offensiveness of the behavior;
- The nature of the Title IX Sexual Harassment;
- The impact of the Title IX Sexual Harassment on the complainant;
- The impact or implications of the Title IX Sexual Harassment within the Middlebury community;
- Any prior misconduct by the respondent, including the respondent's relevant prior conduct history, at Middlebury or elsewhere;
- Whether the respondent has accepted responsibility for the Title IX Sexual Harassment;
- The maintenance of a safe, nondiscriminatory and respectful environment conducive to living, learning, and/or working, as applicable; and
- Any other mitigating, aggravating, or compelling factors.

When a student respondent is found responsible for sexual assault, suspension or expulsion are the likely outcomes.

2. Sanctions and other actions will go into effect at either the expiration of the deadline for the submission of an appeal where no appeal is submitted, or at the conclusion of the appeal process if applicable. This language does not preclude the possibility of emergency action as needed; please see Section II.D, Emergency Removals and Non-Student Administrative Leave.

3. If the hearing officer finds conduct that violates the Non-Discrimination Policy (or other Middlebury policies under investigation), the CRTIX Coordinator will provide the case materials to the appropriate supervisory authority or authorities (e.g., for students: the Vice President for Student Affairs at the College, the Dean of the Language Schools, the Dean of Enrollment, Advising and Student Services at the Institute, the Dean of the Bread Loaf School of English, etc.; for staff, that staff member's supervisor, and for faculty, the Provost). When multiple supervisory authorities are involved in assigning sanctions, they may collaborate with each other as appropriate.

After a review of the case materials and the hearing officer's recommendation regarding sanctions, the supervisory authority may impose disciplinary sanctions. Sanctioning and appeals for faculty whose primary appointment is in 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.

Sanctions for Prohibited Conduct could include written reprimands, probationary status, letters of official discipline, and/or suspension, expulsion, reassignment of duties, referral to other disciplinary processes, or termination from employment from any or all Middlebury program(s). Students should note that although sanctions for violation(s) of this policy can include any form of discipline as stated in this section, those found to have committed sexual assault will most likely receive a sanction of suspension or expulsion. Middlebury may also take other nondisciplinary 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 designed to restore or preserve the complainant's equal access to Middlebury's educational program or activity). 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.

4. If the hearing officer finds that a faculty member has engaged in conduct that violates this policy, or other Middlebury policies under investigation, if applicable (absent or following an appeal of that finding in accordance with paragraph G3, above, if an appeal was granted), the CRTIX Coordinator and/or HRO will provide the case materials to the appropriate supervisory authority for the program at issue (e.g., the Middlebury College VPAA/Dean of Faculty, VPAA/Dean of the Institute, Vice President of the Language Schools, Dean of International Programs or Executive Vice President/Provost). The supervisory authority will refer the matter for separate procedures that may result in the imposition of appropriate disciplinary action according to the procedures in existing Faculty Handbook policies and/or contracts, as applicable. Disciplinary sanctions under this policy may therefore include written reprimands, salary freeze, termination of employment, reassignment or restriction of duties, and/or referral to separate procedures that govern employment status issues.
5. In any case in which a finding of sexual misconduct, domestic or dating violence or misconduct, stalking or related retaliation has been issued, violation of a plan or directive to address the prohibited conduct or related sanction may be grounds for further discipline.

## Appeals

Either party may file an appeal from: 1) a determination regarding responsibility; and/or 2) the CRTIX Coordinator's dismissal of a formal complaint or any allegations therein from the Title IX Sexual Harassment process, solely on the basis of one or more of the following circumstances:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that could affect the outcome of the matter and that was not reasonably available at the time the determination regarding responsibility or dismissal was made has become available; and/or
- The CRTIX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent, that affected the outcome of the matter.

Regardless of which party appeals, both parties may participate in the appeals process. Middlebury will provide written notification to the complainant and the respondent of any applicable appeal procedures at the time they receive the written determination regarding responsibility and any sanctions.

An appeal must be made in writing to the appropriate appellate officer, which are:

1. Students:
  - (a) Undergraduate College students (including non-Middlebury students enrolled in Middlebury summer undergraduate courses): **VPAA/Dean of Faculty or designee**
  - (b) Middlebury Institute students: **VPAA/Dean of the Institute or designee**
  - (c) All other students in any other program: **Executive Vice President/Provost or designee**
2. Staff: **VP of HR**
3. Faculty: **Executive Vice President/Provost or designee**

An appeal must articulate one of the three bases above and provide information to support the appealing party's argument. Appeals must be filed no later than 5 business days after the date on which Middlebury transmitted the hearing officer's written determination to the parties. The CRTIX Coordinator or appellate officer may extend this deadline if warranted by the circumstances. Middlebury reserves the right to assign an alternate appellate officer to avoid a conflict of interest or bias. The appellate officer will not be the same person as the hearing officer, the investigator, the CRTIX Coordinator, or a person who made a decision to dismiss a formal complaint.

Middlebury will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. The other party may then have a period of 5 business days to submit a statement in support of the written determination and/or in opposition to the appeal. Any such statement will be shared with the party who filed the appeal and their advisor.

The appellate officer will issue a written decision describing the result of the appeal and the rationale for the result; and Middlebury will provide the written decision simultaneously to both parties. The appellate officer's decision on any appeal is the final step in the adjudication process, unless the appellate officer provides otherwise as discussed below.

The appellate officer may uphold the determination by the sanctioning authority, or modify the determination by the sanctioning authority or return the case to the original hearing officer (or an alternate, if warranted) in the event that the appellate officer concludes that either (1) a procedural irregularity affected the outcome of the matter; (2) new evidence that could affect the outcome, and which was not available at the time of the determination, has become available; or (3) a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

It is the responsibility of the appellate officer to determine which if any aspects of the case merit a new review, and to direct the CRTIX Coordinator accordingly.

Absent extenuating circumstances, the appellate officer will notify the complainant and respondent of the appeal decision simultaneously in writing within twenty business days of the appeal receipt deadline and will notify the CRTIX Coordinator in writing of any instructions for further action. This deadline may be extended if warranted by the circumstances. If this deadline is extended, the parties will be notified in writing at the time the extension is determined.

The decision to uphold or modify the determination by the appellate officer is final. If a case is returned for an additional hearing, the subsequent determination and/or sanction from that hearing are ordinarily final.

### **Pending Discipline (Students)**

A student respondent will not be permitted to graduate from or otherwise be deemed to have officially completed a program in which they are enrolled while a disciplinary matter is pending; the student's graduation or certification will be held in abeyance until the matter is resolved. If a respondent withdraws with a disciplinary matter, sanction, or appeal pending, the withdrawal will be considered a resignation from Middlebury, and the student will have given up the opportunity to return to Middlebury. The student's official status at Middlebury will reflect the point in the process at which they withdrew, and the nature of the finding and sanction, as appropriate. Examples include but are not limited to "Withdrawal with a Disciplinary Matter Pending," "Withdrawal with a Disciplinary Sanction Pending," and "Withdrawal with a Disciplinary Appeal Pending."

In extraordinary circumstances, the appropriate supervisory authority may, after appropriate consultation, a review of the case, and consideration of Middlebury's best interests, grant permission for a respondent to withdraw from Middlebury when a disciplinary matter is pending. If the student is readmitted to Middlebury, the disciplinary matter must be resolved either before the student's return, or immediately upon the student's return (as determined by Middlebury).

### **Admission of Responsibility**

If at any point a respondent chooses to accept responsibility for violating all policies under investigation, an official designated by the CRTIX Coordinator will issue a determination and refer the matter to the appropriate supervisory authority or authorities for the program at issue in accordance with this Procedure. The appropriate supervisory authority or authorities will issue a sanction and/or take other action that is designed to restore or preserve the complainant's equal access to Middlebury's education program or activity.



## **Informal Resolution**

### **1. General Information**

Informal resolution is a voluntary option that does not involve a hearing process. Informal resolution may be used in Title IX Sexual Harassment matters in which a formal complaint has been filed by a complainant or signed by the CRTIX Coordinator.

The CRTIX Coordinator will assess the request for informal resolution in light of factors such as, but not limited to, the severity of the alleged violation and the potential risks to campus community members posed by the reported misconduct. Middlebury will only proceed with an informal resolution process if both parties provide their voluntary, written consent to initiate the informal resolution process. Middlebury will not offer or facilitate an informal resolution process in matters that involve allegations that an employee committed Title IX Sexual Harassment against a student.

At any time prior to reaching a determination regarding responsibility, Middlebury may facilitate an informal resolution process (e.g., mediation or restorative justice) 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 CRTIX Coordinator agrees that the matter is appropriate for informal resolution, Middlebury will provide to each party a written notice that discloses:

- The allegations;
- The requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations
  - As noted below, Middlebury generally permits parties to withdraw from the informal resolution process and initiate or re-initiate a formal investigation and hearing process at any time before the informal resolution process is completed and any informal resolution is agreed to in writing by the parties; and
- Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

The matter will be deemed resolved if and when the parties expressly agree in writing to an outcome that is acceptable to them and which is approved by the CRTIX Coordinator (in consultation with other Middlebury administrators as deemed necessary). A party may withdraw from the informal resolution process at any time prior to their execution of a written informal resolution agreement. After an informal resolution is agreed to in writing between the parties, neither party may initiate a formal resolution process regarding substantially the same factual allegations.

At any time before a matter is resolved through informal resolution, the CRTIX Coordinator may terminate an informal resolution process and initiate or re-initiate a formal investigation and hearing process at any time, as they deem appropriate in their discretion.



### **Training of Individuals Conducting Investigations and Adjudications and Facilitating Informal Resolution Processes**

The CRTIX Coordinator, investigators, decision-makers, sanctioning authorities, appellate authorities, and individuals facilitating informal resolution processes (collectively, “Middlebury Officials”) receive training on the definition of Title IX Sexual Harassment in this policy, the scope of Middlebury's education programs or activities, how to serve impartially (including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias), and on issues of relevance of evidence as well as questions, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. Any materials used to train Middlebury Officials will not rely on sex stereotypes and will promote impartial adjudications of formal complaints. Middlebury will ensure that all Middlebury Officials comply with the standards on serving impartially that are outlined in this paragraph.

### **Record Keeping**

The HROs and the CRTIX Coordinator will maintain as required by the May 2020 Title IX regulations any records related to Title IX Sexual Harassment cases, and will keep confidential records and/or reports under this policy and the actions taken in response to those reports.

## APPENDIX A

### A. DEFINITIONS

#### **1. Complainant**

A complainant is an individual who is reported to have experienced conduct that could constitute Prohibited Conduct, regardless of whether the individual makes a report or seeks disciplinary action.

#### **2. Respondent**

A respondent is an individual who has been reported to have engaged in conduct that could constitute Prohibited Conduct and whose alleged conduct is being investigated to determine if it is in violation of Middlebury's policies.

#### **3. Report**

A Report is any information received by Middlebury College that a complainant has allegedly been subjected to conduct which could constitute Title IX Sexual Harassment. A Report is not a Formal Complaint and does not trigger a formal investigation or adjudication. Instead, reports serve as a basis for statistical reporting under the Jeanne Clery Act, and allow Middlebury to provide Supportive Measures to those who have experienced Title IX Sexual Harassment. Any Complainant who reports Title IX Sexual Harassment will receive information about the Formal Complaint and Investigation Process.

#### **4. Formal Complaint**

Formal complaint means a document filed by a complainant or signed by the Civil Rights and Title IX Coordinator alleging Title IX Sexual Harassment against a respondent and requesting that the recipient investigate the allegation of Title IX Sexual Harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator under § 106.8(a), and by any additional method designated by the recipient.

#### **5. Human Relations Officer**

A Human Relations Officer ("HRO") is an administrator responsible for overseeing investigations and adjudicating complaints under this Procedure. HROs are also the Civil Rights and Title IX Coordinator's designees responsible for overseeing investigations and adjudicating sexual misconduct complaints in accordance with this Procedure.

## **6. Civil Rights and Title IX Coordinator**

The Civil Rights and Title IX Coordinator (“CRTIX Coordinator”) is the administrator designated and authorized to coordinate Middlebury's efforts to comply with and carry out its responsibilities under Title IX. The CRTIX Coordinator's responsibilities include overseeing the process for handling and responding to all complaints of possible sex discrimination and identifying and addressing any patterns or systemic problems that arise during the review of such complaints. Middlebury's CRTIX Coordinator also participates in Middlebury's handling and responding to complaints of sexual misconduct, domestic and dating violence and misconduct, and stalking, as defined in this policy. References throughout this Procedure to the CRTIX should be read as including individuals to whom the CRTIX has designated certain duties either in general or in the context of a particular case or situation.

## **7. Days**

Unless otherwise noted, “days” indicates calendar days, regardless of whether the majority of Middlebury's administrative offices are open. “Business days” indicates days on which the majority of Middlebury's administrative offices are open, and generally connotes Mondays through Fridays. In computing any period of time referenced in this Procedure, the day of the act or event (e.g., provision of evidence for review and response, issuance of a determination or sanction) from which the designated time period begins to run shall not be included. The last day of the period so computed shall be included if it is a business day; when not a business day, the period will conclude at the end of the next business day.

## **8. Parties**

Only the complainant and respondent are considered a “party” or “parties” as that term is used within this policy.

Published: August 14, 2020

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[1] Note that Schools Abroad are covered under AHD

[2] Middlebury's Vermont undergraduate campus program includes a confidential resource called MiddSafe; for more information, see <https://www.middlebury.edu/middsafe-online-advocate/about/>

## 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 Vermont convicted sex offenders must register with the Vermont Crime Information Center (VCIC), which is maintained by the Vermont Department of Public Safety. Any person requesting, in accordance with the law, information on specific offenders may obtain that information. See [Sex Offender Registry](#). You may also contact the [Vermont Crime Information Center](#)'s website or 802.244.8727.

According to the State of Vermont's Department of Public Safety Crime Information Center, local law-enforcement agencies and the Vermont Crime Information Center are authorized to release relevant registry information to the public when requestors can articulate a specific concern about their safety or the safety of another. State statute requires that the requestor provide the subject's name as the basis for the query. Queries made to law enforcement agencies or Vermont Crime Information Center may not be done by street address, town or county.

The registry information may also be disclosed to the following agencies, organizations, or persons:

- Local, state, and federal law-enforcement agencies exclusively for law-enforcement purposes;
- State and federal governmental agencies for the exclusive purpose of conducting confidential background checks;
- Any employer, including a school district, who is authorized by law to request records and information from the Vermont Crime Information Center where such disclosure is necessary to protect the public concerning persons required to register under this subchapter;
- A person identified as a sex offender in the registry for the purpose of reviewing the accuracy of any record relating to them.

**The registry is prohibited from releasing lists of offenders in response to general questions regarding sex offenders' whereabouts in particular communities. Victims' identities shall not be released.**

See also State of Vermont Department of Public Safety Vermont Crime Information Center [Sex Offender Registry](#).

### **Contact Information**

#### **Vermont Sex Offender Registry**

45 State Drive  
Waterbury, VT 05671-1300  
Tel: 802.241.5400  
Fax: 802.241.5552  
Email: [DPS.SOR@vermont.gov](mailto:DPS.SOR@vermont.gov)

## Alcohol, Tobacco, and Other Drugs

### Introduction

Middlebury is committed to promoting individual and community health, safety, and responsibility, and ensuring a productive learning and work environment for all individuals. We require all students and employees to observe local, state, and federal laws governing the possession, use, and furnishing of alcoholic beverages, tobacco 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, tobacco and drugs contain clear statements about: (1) the standards of conduct prohibiting the unlawful possession, use, or distribution of tobacco, 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 tobacco, 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 tobacco, drug, or alcohol violations occur, disciplinary sanctions will be imposed in accordance with this policy. Serious incidents that put a student, employee, 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, and employee benefits and policies, about the health risks associated with tobacco, alcohol and drug abuse, and refer students and employees to resources and health services such as tobacco, drug or alcohol counseling, treatment or rehabilitation, or re-entry programs that are available to students and employees, as applicable.

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 [Medical Amnesty Policy](#) 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](#).

## **Middlebury Policies and Local, State, and Federal Law**

### **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. Possessing drinking game paraphernalia (e.g., funnels, pong tables, etc.)
- j. Administering alcohol to individuals against their will and/or without their knowledge.
- k. Unsafe intoxication. Students who are deemed by College officials to be intoxicated at an unsafe level, regardless of age, will be charged with unsafe intoxication when appropriate.

- I. Middlebury College Specific to Students: The following actions are specifically prohibited at Middlebury College:
  1. No possession of alcohol in first-year residence halls.
  2. No possession of kegs or common containers. Possession by students of kegs or common containers (e.g., punch bowls) without advance party registration through Student Activities 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.
  3. Multiple instances involving unsafe intoxication, 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 Medical Amnesty Policy.
  4. Violating party regulations. Party regulations can be accessed through the Student Activities office. 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.
  5. The use of hallways for parties is prohibited.

## **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, psychedelic substances such as mushrooms, LSD, etc. This also includes cannabis (marijuana) and medical cannabis prescriptions because it is still considered an illegal drug under federal law.
- b. Misuse of legal substances to cause impairment/hallucination.
- c. Possession of drug paraphernalia.
- 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.
- f. Unsafe consumption and/or impairment.

## **Tobacco**

The State of Vermont, [Act 27](#) and [7 V.S.A. § 1001\(7\)](#) identifies which products persons under 21 will no longer be able to purchase or possess. Effective September 1, 2019, the legal age for possessing and purchasing tobacco products, tobacco substitutes (which includes e-cigarettes), and tobacco paraphernalia in the State of Vermont increased from 18 to 21.

Under Vermont law, "tobacco paraphernalia" means "any device used, intended for use, or designed for use in smoking, inhaling, ingesting, or otherwise introducing tobacco products into the human body, or for preparing tobacco for smoking, inhaling, ingesting, or otherwise introducing into the human body, including devices for holding tobacco, rolling paper, wraps, cigarette rolling machines, pipes, water pipes, carburetion devices, bongs, and hookahs". See [7 V.S.A. § 1001\(7\)](#).



“Tobacco substitute” means products including electronic cigarettes or other electronic or battery powered devices that contain and are designed to deliver nicotine or other substances into the body through inhaling vapor and that have not been approved by the United States Food and Drug Administration for tobacco cessation or other medical purposes.

The following actions are prohibited:

- a. Underage use of tobacco. Only persons of legal age (21 or older in Vermont, and as defined by the laws of a foreign host country) may possess or consume tobacco, tobacco products, tobacco substitutes, or tobacco paraphernalia including e-cigarettes. 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 tobacco, tobacco substitutes, or tobacco paraphernalia for/to a minor.
- c. Selling, manufacturing, or distributing tobacco, tobacco substitutes, or tobacco paraphernalia illegally.
- d. Possession, production, or provision of false ID.
- e. Administering tobacco, tobacco substitutes, or tobacco paraphernalia to individuals against their will and/or without their knowledge.
- f. Unsafe consumption and/or impairment.

See also Middlebury's [“No Smoking Policy”](#).

### **Laws and Resources**

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

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 tobacco, illegal drugs and the abuse of alcohol, see [Middlebury's Annual Drug-Free Schools and Communities Act Notice and Middlebury Institute's Annual Drug-Free Schools and Communities Act Notice](#).

### **Local Law (Town of Bennington Ordinance)**

It shall be unlawful for any person to drink malt, vinous or spirituous liquors upon any public street, alley, sidewalk, parking space, or publicly-owned land nor in or upon any motor vehicle while moving or stationary in said places. These acts are also unlawful on any privately owned land which is provided for use by the public. Possession upon one's person of any open container of any such liquor in any such place shall be prima facie evidence of a violation thereof.

## **Disciplinary Sanctions: Students**

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

Student wellness and overall health inform the College's responses to the use of alcohol, tobacco 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, tobacco 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 Middlebury, or refuses to engage in educational intervention methods, the student will, in effect, jeopardize their ability to remain a student at Middlebury and will likely face discipline up to and including suspension or expulsion.

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

Educational and/or preventative responses such as a group class, online course, individual meeting, substance use assessment, referral to support resources, or other appropriate course of action will be required of students found responsible for violating the Alcohol, Tobacco and Other Drugs Policy.

Educational sanctions are assigned with the following important caveats:

1. 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, in addition to educational 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. Disciplinary sanctions may be assigned to students in addition to educational sanctions.

## **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.

## **Medical Amnesty Policy**

Middlebury's Medical Amnesty 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 Medical Amnesty 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. Educational and/or preventative responses such as a group class, online course, individual meeting, substance use assessment, referral to support resources, or other appropriate course of action may be required.

This policy refers to isolated incidents only, and does not excuse or protect those who flagrantly or repeatedly violate the Alcohol, Tobacco 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, 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.

## **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 CDC (Center for Disease Control):*

“Drinking too much can harm your health. Excessive alcohol use led to approximately 140,000 deaths and 3.6 million years of potential life lost (YPLL) each year in the United States from 2015-2019, shortening the lives of those who died by an average of 26 years. Further, excessive drinking was responsible for 1 in 5 deaths among working-age adults aged 20-49 years. The economic costs of excessive alcohol consumption in 2010 were estimated at \$249 billion, or \$2.05 a drink.”

### **[CDC Fact Sheets: Alcohol Use and Your Health](#)**

#### **The Standard Measure of Alcohol**

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

- 12-ounces of beer (5% alcohol content).
- 8-ounces of malt liquor (7% alcohol content).
- 5-ounces of wine (12% alcohol content).
- 1.5-ounces of 80-proof (40% alcohol content) 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
  - o For women, 4 or more drinks during a single occasion
  - o For men, 5 or more drinks during a single occasion
- Heavy drinking
  - o For women, 8 or more drinks per week
  - o For men, 15 or more drinks per week

The Dietary Guidelines for Americans recommends that adults of legal drinking age can choose not to drink, or to drink in moderation by limiting intake to 2 drinks or less in a day for men or 1 drink or less in a day for women, on days when alcohol is consumed. The Guidelines also do not recommend that individuals who do not drink alcohol start drinking for any reason and that if adults of legal drinking age choose to drink alcoholic beverages, drinking less is better for health than drinking more. There are some people 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 and other serious 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, voice box, liver, colon, and rectum.
- Weakening of the immune system, increasing the chances of getting sick.
- Learning and memory problems, including dementia and poor school performance.
- Mental health problems, including depression and anxiety.
- Social problems, including family problems, job-related problems, and unemployment.
- Alcohol use disorders, or alcohol dependence.

Source: [CDC Fact Sheets: Alcohol Use and Your Health](#)

See also:

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

### Blood Alcohol Concentration

Determining how, when, and how much alcohol to drink can be difficult for many individuals who are faced with social pressure, limited information about alcohol use, and often a lack of prior experience. It is important to know that there is 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.

### BAC Concentration

#### **Resources**

For more information about drugs and alcohol, please visit Middlebury's Health and Wellness Education site on [Drugs and Alcohol](#).

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 [Campus Drug Prevention's Drug Fact Sheets](#) and the [DEA's Drugs of Abuse publication](#) for the latest information.

**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 to End Addiction](#)

[Substance Abuse and Mental Health Services Administration](#)

[Centers for Disease Control and Prevention](#)

[Drug Enforcement Administration](#)



## **Care and Treatment**

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

Per the Centers for Disease Control and Prevention, 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's Vermont-Based Programs**

[Employee and Family Assistance Program](#): 866.660.9533 (Faculty and Staff)

[Alcoholics Anonymous/Local AA Meetings](#)

[Turning Point Recovery Center of Bennington](#)

[Vermont Drug Treatment](#)

[Vermont Department of Health](#)

[Vermont Association for Mental Health and Addiction Recovery](#)

### **Annual Drug-Free Schools and Communities Act Notice**

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

- Middlebury's standards of conduct, which prohibit the unlawful possession, use, or distribution of illegal drugs and alcohol by students and employees on Middlebury property or in connection with any activities or programs sponsored by Middlebury.
- A description of Middlebury's disciplinary sanctions that will be imposed on students and employees for the unlawful possession, use, or distribution of illegal drugs and alcohol, up to and including expulsion or termination of employment.
- A description of applicable sanctions under federal, state, and local law for the unlawful possession, use, or distribution of illegal drugs and alcohol.
- A description of the health risks associated with the use of illegal drugs and the abuse of alcohol.
- A description of any drug or alcohol counseling, treatment, rehabilitation, or re-entry programs that are available to employees or students.

### **Middlebury 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 and accompanying materials are maintained in the office of the Chief Risk Officer.

## Weapons Policies

### **Bennington College Weapons Policy**

Possession of dangerous, potentially dangerous, or unauthorized materials such as explosives, firearms, or other weapons (whether or not loaded with ammunition) on College property is strictly prohibited. This includes, but is not limited to: guns, paintball guns, bb guns, ammunition, knives, fireworks, and combustible or hazardous material. Employees may not carry such materials on to College property in their vehicles or by other means. The Director of Campus Safety may authorize in writing specific exceptions for job-related activities for other personnel. Students using such material for academic purposes must arrange with their faculty members or departmental coordinators to store the said material away from College houses in an approved and properly secured space. Campus Safety must be notified of any such material. Campus Safety needs to be notified in advance if replicas and lookalikes are going to be used for educational purposes.

### **Middlebury College Weapons Policy**

The use and possession of weapons, including ammunition (“ammo”), are prohibited on Middlebury property and at Middlebury sponsored events, including in motor vehicles. Antique, imitation, and replicas of weapons and ammo are also prohibited unless they are possessed or stored in accordance to the Exceptions section below. Discovery of a weapon or ammo 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 or ammo. 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.

Definitions of key terms are provided below.

### **Definitions**

“Ammunition” means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

“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.

## Fire Safety Report

All life threatening emergencies should be called into 911. Additionally, all fires and/or suspected fires need to be reported to Campus Safety.

### **Residential Fire-Systems Descriptions at Bennington College Campus**

All on-campus residence halls are equipped with automatic fire sprinkler systems and automatic fire and carbon monoxide alarm systems that notify occupants and initiate a Campus Safety or local fire department response, and portable fire extinguishers. Cooking equipment, including kitchens designated for student use, are protected by automatic fire heat detection devices. All fire protection systems are inspected regularly by Bennington College staff and qualified contractors.

Name of Building	911 Address	Fire Alarm Monitoring Done On-Site and by (PPM)	Full Sprinkler System	Smoke/CO Detection	Fire Extinguishers	Evacuation Plans & Placards
Bingham	109 Second Street N. Bennington, VT 05257	X	X	X	X	X
Booth	60 Second Street N. Bennington, VT 05257	X	X	X	X	X
Canfield	97 First Street N. Bennington, VT 05257	X	X	X	X	X
Dewey	59 First Street N. Bennington, VT 05257	X	X	X	X	X
Fels	42 Third Street N. Bennington, VT 05257	X	X	X	X	X
Franklin	116 First Street N. Bennington, VT 05257	X	X	X	X	X
Kilpatrick	92 Second Street N. Bennington, VT 05257	X	X	X	X	X
Leigh	71 Second Street N. Bennington, VT 05257	X	X	X	X	X
McCullough	81 Second Street N. Bennington, VT 05257	X	X	X	X	X
Merck	40 Larch Lane N. Bennington, VT 05257	X	X	X	X	X
Noyes	96 Third Street N. Bennington, VT 05257	X	X	X	X	X
Paris-Borden	60 Larch Lane N. Bennington, VT 05257	X	X	X	X	X
Perkins	20 Larch Lane N. Bennington, VT 05257	X	X	X	X	X
Sawtell	60 Third Street N. Bennington, VT 05257	X	X	X	X	X
Stokes	110 First Street N. Bennington, VT 05257	X	X	X	X	X

Name of Building	911 Address	Fire Alarm Monitoring Done On-Site and by (PPM)	Full Sprinkler System	Smoke/CO Detection	Fire Extinguishers	Evacuation Plans & Placards
Swan	70 First Street N. Bennington, VT 05257	X	X	X	X	X
Welling	119 Second Street N. Bennington, VT 05257	X	X	X	X	X
Woolley	84 First Street N. Bennington, VT 05257	X	X	X	X	X

### **Fire Evacuation Drills**

Upon request by Middlebury College administration, Bennington Campus Safety will conduct one fire drill in each residential building during the Middlebury Summer Program.

### **Fire Safety Education and Training Programs**

#### **Middlebury College**

All students, faculty, and staff are trained on fire safety and evacuation procedures. During residential life orientation at Middlebury College, the Residential Life staff attend a training. The training includes a video on dorm safety, use of a fire extinguisher, building evacuation procedures and the process for conducting fire safety checks in student dorm rooms.

#### **Bennington College**

Each school year the residential house chairs complete a fire safety training program, including alarms, detectors and fire extinguisher understanding and use. In addition, every student room is individually inspected by members of Campus Safety for any fire and safety related concerns. Issues are corrected and educational information is disseminated and fines may be issued.

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

- Keep room entries, exits, and hallways free of potential obstructions, such as boxes, bicycles, and mattresses.
- Don't overload outlets.
- Avoid using extension cords whenever possible.
- Don't build or place anything over the room's radiator that will disrupt the free flow of air around it.
- Always leave magnifying mirrors face down so they won't magnify sunlight.
- You may not use candles, halogen lamps, heat lamps, or portable heaters.
- Avoid hanging lights and paper together. Don't hang lights or streamers on the side of doors facing corridors.
- No smoking.

## **Fire Evacuation Procedure for Students and Employees**

In addition to the evacuation procedures found in the General Emergency and Evacuation Procedures section, below is fire evacuation information specific to Bennington Campus.

- Familiarize yourself with your building's evacuation procedures. Locate the nearest exit and fire extinguisher.
- Report to your emergency muster point and check in with program staff. Report anyone who might be missing.
- A Campus Safety officer will direct you to another safe location to shelter in inclement weather.
- Do not re-enter the building until Campus Safety advises that the Bennington Fire Department or the local fire department has indicated that it is safe to re-enter.

## **Fire Safety Residential Policies**

Middlebury's policies on fire safety, prohibited items such as portable electronic devices, open flames, etc., are all contained in the College Handbook under Residential Policies.

Any violation of fire safety regulations will result in a fine. Students found responsible will have to pay the additional cost(s) of repair or replacement of damaged equipment or property. Students will be subject to disciplinary actions as well.

- Room entries, exits and hallways must be kept clear and free of potential obstructions.
- Nothing may be hung from a sprinkler apparatus or sprinkler piping.
- Only two walls of any room may be draped.
- Ceilings may not be covered with tapestries or other materials. Other wall hangings and posters may be prohibited if a fire or egress hazard is created.
- Nothing may be built or placed over or around a room radiator that will interfere with the free flow of air around the radiator or prevent easy access to service it.
- The following items are prohibited: halogen lamps, portable heaters, fuel, dangerous chemicals, fireworks, hazardous materials, new or burned candles, incense, oil lamps, oil/wax diffusers that sit on light bulbs or other items with the capability of an open flame or burning embers.
- String lights are prohibited, with the exception of LED lights in good working condition (no frayed or bare wires, cracked sockets, loose connections or damaged insulation). LED lights are acceptable ONLY if they are labeled with Underwriters Laboratory (UL) approval. Tags with this information are required to be on each string of lights. LED string lights may not be placed over doorways, on ceilings or wrapped around any sprinkler piping, furniture or other cloth items such as curtains or wall hangings. LED lights may not be attached with nails or staples. LED lights must be plugged directly into an outlet or surge protector and may not be strung together. If it cannot be verified that the lights are LED, the College has the right to remove them.
- Smoking is prohibited in all campus buildings, including the small residential houses. This includes porches, balconies, decks, or within 25 feet of any part of the building structure. E-cigarette smoking is also prohibited in campus buildings.

- The use of portable fire pits is prohibited.
- 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 small houses and must be approved before use.
- Tampering with fire- or life-safety equipment is prohibited and subject to fines. These charges will be borne collectively by the residence hall if the responsible individual(s) cannot be identified. "Fire- and life-safety equipment" includes fire alarms, fire doors, pull stations, extinguishers, hydrants, smoke detectors, smoke detector batteries, carbon monoxide detectors, and sprinklers.
- Students must exit a building when a fire alarm sounds; fines may be assessed for failure to do so. Fire escapes may only be accessed during fire drills or a fire emergency.
- Appliances that have exposed heating elements, including but not limited to toasters, toaster ovens, hot plates, sandwich makers, electric frying pans or grills, electric woks, deep fryers, popcorn poppers (other than hot air poppers) and irons without automatic shutoffs may not be used in student rooms. Small cooking appliances without exposed heating elements, such as rice cookers, steamers, and crockpots may be used in residential kitchen spaces. These items must be attended while in use. Such appliances may not be used in student rooms. Please also see a list of allowable items on the Residential Life web page.
- The use of fog and smoke machines in campus residential buildings is prohibited.
- Possession of flammable decorations including wreaths, sawn trees, corn stalks and shucks, tree branches, dry leaves, hay straw, paper streamers, saw dust or wood shaving is prohibited.
- Possession of large appliances such as refrigerators in excess of 3.8 cubic feet, freezers, washers, or dryers is prohibited.
- Construction of partitions, subdividing rooms, construction of additions, installation or modification of electrical wiring or plumbing, or altering means of egress is prohibited.

### **Fire Log**

Campus Safety maintains the fire log at the Campus Safety building.

### **Residential Buildings**

Bingham House	Merck
Booth House	Noyes
Canfield House	Paris-Borden
Dewey House	Perkins
Fels	Sawtell
Franklin	Stokes
Kilpatrick	Swan
Leigh	Welling
McCullough	Woolley

## Fire Safety Statistics

**Table 4. Statistics and Related Information Regarding Fires in Residential Facilities 2022\***

Residential Facilities	911 Address	Total Fires in Each Building	Fire Number	Cause of Fire	No. of Injuries Requiring Treatment at a Medical Facility	No. of Deaths Related to Fire	Value of Property Damage Caused by Fire
Bingham	109 Second Street N. Bennington, VT 05257	0	0	0	0	0	0
Booth	60 Second Street N. Bennington, VT 05257	0	0	0	0	0	0
Canfield	97 First Street N. Bennington, VT 05257	0	0	0	0	0	0
Dewey	59 First Street N. Bennington, VT 05257	0	0	0	0	0	0
Fels	42 Third Street N. Bennington, VT 05257	0	0	0	0	0	0
Franklin	116 First Street N. Bennington, VT 05257	0	0	0	0	0	0
Kilpatrick	92 Second Street N. Bennington, VT 05257	0	0	0	0	0	0
Leigh	71 Second Street N. Bennington, VT 05257	0	0	0	0	0	0
McCullough	81 Second Street N. Bennington, VT 05257	0	0	0	0	0	0
Merck	40 Larch Lane N. Bennington, VT 05257	0	0	0	0	0	0
Noyes	96 Third Street N. Bennington, VT 05257	0	0	0	0	0	0
Paris-Borden	60 Larch Lane N. Bennington, VT 05257	0	0	0	0	0	0
Perkins	20 Larch Lane N. Bennington, VT 05257	0	0	0	0	0	0
Sawtell	60 Third Street N. Bennington, VT 05257	0	0	0	0	0	0
Stokes	110 First Street N. Bennington, VT 05257	0	0	0	0	0	0
Swan	70 First Street N. Bennington, VT 05257	0	0	0	0	0	0
Welling	119 Second Street N. Bennington, VT 05257	0	0	0	0	0	0
Woolley	84 First Street N. Bennington, VT 05257	0	0	0	0	0	0

\* Middlebury began hosting an educational program at Bennington College in 2022.



**Table 5. Statistics and Related Information Regarding Fires in Residential Facilities 2023**

<b>Residential Facilities</b>	<b>911 Address</b>	<b>Total Fires in Each Building</b>	<b>Fire Number</b>	<b>Cause of Fire</b>	<b>No. of Injuries Requiring Treatment at a Medical Facility</b>	<b>No. of Deaths Related to Fire</b>	<b>Value of Property Damage Caused by Fire</b>
Bingham	109 Second Street N. Bennington, VT 05257	0	0	0	0	0	0
Booth	60 Second Street N. Bennington, VT 05257	0	0	0	0	0	0
Canfield	97 First Street N. Bennington, VT 05257	0	0	0	0	0	0
Dewey	59 First Street N. Bennington, VT 05257	0	0	0	0	0	0
Fels	42 Third Street N. Bennington, VT 05257	0	0	0	0	0	0
Franklin	116 First Street N. Bennington, VT 05257	0	0	0	0	0	0
Kilpatrick	92 Second Street N. Bennington, VT 05257	0	0	0	0	0	0
Leigh	71 Second Street N. Bennington, VT 05257	0	0	0	0	0	0
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Noyes	96 Third Street N. Bennington, VT 05257	0	0	0	0	0	0
Paris-Borden	60 Larch Lane N. Bennington, VT 05257	0	0	0	0	0	0
Perkins	20 Larch Lane N. Bennington, VT 05257	0	0	0	0	0	0
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Stokes	110 First Street N. Bennington, VT 05257	0	0	0	0	0	0
Swan	70 First Street N. Bennington, VT 05257	0	0	0	0	0	0
Welling	119 Second Street N. Bennington, VT 05257	0	0	0	0	0	0
Woolley	84 First Street N. Bennington, VT 05257	0	0	0	0	0	0