



Castleton University

Campus Safety and Security Report

A Guide to Campus Crime Prevention and Awareness for 2018-19

Castleton University is located in a rural town about ten miles west of Rutland, Vermont. The local area has about 4,500 full-time residents spread throughout a large area. Both state and local police patrol the town.

At Castleton we are fortunate to live in a community where crime is not widespread. However, as with other universities and communities, crime is present. Controlling the amount of crime requires effort from all who wish to enjoy Castleton's unique setting; therefore you are encouraged to report any crime or suspicious activity immediately to Castleton's Department of Public Safety. Reporting criminal activity is a means to identify and attempt to reduce crime. All members of the Castleton University community are encouraged to become familiar with Castleton's security policies and procedures and to become more safety conscious. Castleton's Annual Fire Safety Report is published separately. Copies of the Annual Fire Safety Report, along with this Campus and Security Report, are available at the Office of Public Safety or at the following link: <http://www.castleton.edu/campus-life/student-resources/campus-safety/>.

Reporting Crimes and Emergencies – All members of the Castleton University community are encouraged to report accurately and promptly all emergencies and criminal incidents to the Public Safety Department (802)468-1215, their Area Coordinator, Community Advisor, the Dean of Student's Office, or local law enforcement. Local emergency services, including police, fire, and ambulance may be reached by dialing 911. Castleton Public Safety officers carry portable radio telephones to enable them to be contacted in the event of an emergency. Telephones are located in the lobbies of the residence halls and every building on campus which may be used to request emergency services or to report a criminal incident. Blue light emergency phones are placed throughout the campus and will connect you directly to Public Safety. Castleton encourages accurate and prompt reporting of all crimes to the Office of Public Safety and appropriate law enforcement authorities by victims, witnesses, and others if the victim is unable to make such a report. Professional counselors functioning within the scope of their license or certification are considered Campus Security Authorities. Castleton allows voluntary, confidential reporting of crimes. In cases involving sexual misconduct where a victim chooses not to report, Castleton's counselors are instructed to report the incident, without identifying names, for inclusion in the annual crime statistics.

The Public Safety Department – Castleton's Public Safety Department coordinates and monitors campus safety and security policies and procedures. The department is staffed by seven full-time and one part-time security officers, plus student officers, who may be identified by their uniforms. The names and titles of Public Safety Department staff are listed at the end of this report. The Department is located in Hope House on South Street across from Ellis Hall and may be reached by dialing extension 1215. Public Safety officers patrol campus 24 hours a day, and provide escorts, upon request, to members of the campus community. Public Safety officers are unarmed and do not possess police arrest powers but use citizen's arrest authority when needed. Public Safety officers have the authority to enforce all Castleton University rules and regulations.

The Department of Public Safety works with local law enforcement, pursuant to a written memorandum of understanding. When necessary, arrests on campus are generally made by the appropriate law enforcement agency, with cooperation, as requested, from the Department of Public Safety. Local law enforcement agencies include: Castleton Police Department; Vermont State Police (Castleton outpost); Rutland County Sheriff's Office; State's Attorney's Office for Rutland County; and the Vermont Department of Liquor Control. Castleton has non-campus housing in Rutland. It does not operate non-campus student organization facilities such as sororities or fraternities.

Campus Crime Statistics – Section 485(f) of Title IV of the Higher Education Act of 1965 contains statutory requirements related to campus crime and security, known collectively as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"). In accordance with the Clery Act, Castleton prepares an annual Uniform Campus Crime Report consistent with the FBI's Uniform Crime Reporting system. The report reflects the crime statistics on Castleton property for the three most recent calendar years as collected by the Office of Public Safety, in cooperation with the Offices of Residence Life and Dean of Students. The report discloses the statistics for the following crimes: murder and non-negligent manslaughter, negligent manslaughter, sex offenses (rape, fondling, incest, and statutory rape), arson, robbery, aggravated assault, burglary, motor vehicle theft, domestic violence, dating violence, and stalking. The Clery Act also requires disclosure of statistics for arrests and referrals for disciplinary action for liquor law violations, drug law violations, and illegal weapons possession. The Clery Act also requires disclosure of any hate crimes (larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property) motivated by a category of bias (race, gender, gender identity, religion, sexual orientation, ethnicity, national origin or disability).

Hate Crimes

In 2017 there was one report of intimidation, based on the gender identity of the victim, which occurred on campus. In 2016 there was one report of intimidation, based on the national origin of the victim, which occurred in an on-campus housing facility. In 2016 there was one report of vandalism on the basis of race on campus. In 2015 there was one report of intimidation, based on the national origin of the victim, which occurred in an on-campus housing facility.

Castleton Crime Statistic Report

CALENDAR YEAR 2017

OFFENSE	On Campus Property	On Campus Student Housing Facilities	Non-Campus Property	Public Property
Murder / Non-negligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
Rape	5	5	0	0
Fondling	2	2	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Assault	0	0	0	0
Burglary	3	2	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0
Liquor Law – Arrests	23	20	0	10
Liquor Law – Referrals	128	126	0	0
Drug Law – Arrests	0	0	0	0
Drug Law – Referrals	102	98	0	0
Weapons Possession – Arrests	0	0	0	0
Weapons Possession – Referrals	0	0	0	0
Dating Violence	7	6	0	0
Domestic Violence	1	1	0	0
Stalking	7	5	0	0

CALENDAR YEAR 2016

OFFENSE	On Campus Property	On Campus Student Housing Facilities	Non-Campus Property	Public Property
Murder / Non-negligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
Rape	4	3	0	0
Fondling	2	2	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	2	0	0	0
Assault	0	0	0	0
Burglary	5	4	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0
Liquor Law – Arrests	13	8	0	0
Liquor Law – Referrals	302	294	0	0
Drug Law – Arrests	0	0	0	0
Drug Law – Referrals	101	91	0	0
Weapons Possession – Arrests	0	0	0	0
Weapons Possession – Referrals	0	0	0	0
Dating Violence	11	9	0	0
Domestic Violence	1	0	0	0
Stalking	0	0	0	0

Castleton Crime Statistic Report
Calendar Year 2015

OFFENSE	On Campus Property	On Campus Student Housing Facilities	Non-Campus Property	Public Property
Murder / Non-negligent Manslaughter	0	0	0	0
Negligent Manslaughter	0	0	0	0
Rape	4	4	0	0
Fondling	1	1	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Assault	0	0	0	0
Burglary	6	3	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0
Liquor Law – Arrests	7	5	0	0
Liquor Law – Referrals	196	182	0	0
Drug Law – Arrests	1	1	0	2
Drug Law – Referrals	76	67	0	0
Weapons Possession – Arrests	0	0	0	0
Weapons Possession – Referrals	1	0	0	0
Dating Violence	8	7	0	0
Domestic Violence	0	0	0	0
Stalking	6	1	0	0

Additional information concerning crime statistics, crime prevention, and security practices is available from the Department of Public Safety, Castleton University, Castleton, VT 05735 or by calling (802) 468-1399.

University policies on student conduct, due process, alcohol, drugs, sexual assault, and other matters are publically-available on Castleton's website (link: <https://www.castleton.edu/>) and are available from the Office of the Dean of Students. Castleton will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the University against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, Castleton will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

Bias-Related Reporting – Castleton informs incoming students about bias-related crime and prevention measures through programs that include workshops, seminars, discussion groups, and orientation sessions. The purpose of these programs is to disseminate information about bias-related crime, promote discussion, encourage reporting of incidents of such crime, and facilitate prevention.

Campus Facilities – The campus buildings and facilities are open to the campus community and to guests and visitors during normal business hours, Monday-Friday, and for limited designated hours in the evenings and on weekends. At all other times, access is by key, if issued, or by admittance via the Offices of Public Safety or Residence Life. Some facilities may have individual hours which may vary at different times of the year. Examples include the Glenbrook Athletic Center, Spartan Stadium, Coolidge Library, and the Office of Public Safety. In these cases, the facilities will be secured according to schedules developed by the department responsible for the facility. Emergencies may necessitate changes or alterations to any posted schedules. Castleton has non-campus housing in Rutland. It does not operate non-campus student organization facilities such as sororities or fraternities.

Residence Halls – The front doors of all residence halls are normally locked 24 hours a day with a computer-access control system. Residents are issued proximity cards that allow access at main entrances, along with keys to the door of their individual suite and/or room. Authorized personnel, including staff of Public Safety, Facilities, and Residence Life have access to the residence halls. Residence Life staff are available in each hall from 9 p.m. to 7 a.m.

Accommodations – Upon request and if reasonably available and appropriate given the circumstances, Castleton will make accommodations and provide protective measures to victims of sexual misconduct, domestic violence, dating violence, sexual assault, and stalking. Individuals do not need to file a formal complaint, participate in a disciplinary process, or file a criminal complaint to request such assistance. Examples of possible measures that may be taken include changes to academic or work schedules, permission to withdraw from or retake a class without penalty, access to academic support services, changes to residence hall assignments, and the issuance of no-contact or no-trespassing orders.

Drug/Alcohol Abuse –The legal drinking age in Vermont is 21 years old. Any person under 21 who purchases alcoholic beverages, procures alcoholic beverages, willfully misrepresents his/her age, alters, or falsifies his/her I.D. with intent to purchase alcohol is committing a crime. Any person who sells or furnishes alcohol to a person under the age of 21 may be liable under Vermont law (see 7 VSA § 501) and are violating Castleton's Code of Conduct.

Castleton does not allow open containers or the consumption of alcoholic beverages in public without prior approval. "In public" means on Castleton property, walkways, roadways, athletic fields or facilities, and academic facilities, or any area not approved in advance by Castleton. Violators may be asked to dump contents on the ground, be warned, face University disciplinary actions, or be reported to the police. The manufacture, sale, distribution, or use of illegal drugs is not tolerated, and is a violation of Castleton's Code of Conduct.

Laws pertaining to this area are enforced by the Vermont Department of Liquor Control and/or law enforcement agencies. However, the enforcement of these laws on campus is primarily the responsibility of the Office of Public Safety and Office of Residence Life.

Despite the change in Vermont state law, federal law continues to classify marijuana as a controlled substance and prohibits marijuana use, possession, and distribution at educational institutions and on the premises of all recipients of federal funds. Accordingly, Castleton prohibits the use, possession, and distribution of marijuana on its property and at university-related events.

Missing Students who Reside in On Campus Housing

If a member of the Castleton University community has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify Public Safety at (802) 468-1215. Public Safety will generate a missing person report and initiate an investigation.

If, after investigating the missing person report, the Castleton Public Safety Department determines that the student is missing and has been missing for more than 24 hours, Public Safety will generally notify the Castleton Police Department and the student's emergency contact within 24 hours after the student has been determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, Castleton University will endeavor to notify the student's parent or legal guardian within 24 hours of the determination that the student is missing. Students residing in on-campus housing have the option to identify confidentially an individual whom Castleton University may contact in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, Castleton University will endeavor to notify that individual no later than 24 hours after

Castleton determines the student is missing. Students who wish to identify a confidential contact can do so through the Office of Public Safety. This information will be accessible only to authorized campus officials, as well as law enforcement personnel as necessary.

Safety Tips

It is essential for the success of Castleton's crime prevention efforts that every member of the community cooperates with its security policies and programs. Students and employees are strongly encouraged to take simple common sense precautions for their own personal safety and the security of their personal possessions. Students are advised to use the escort service or to travel in groups when walking around campus late at night. Residence hall room doors and office doors should be locked at night and when the room is unoccupied. Vehicles should be locked at all times and valuables should be locked in the trunk. All motor vehicles parked on campus should possess a Castleton parking decal. Bicycles should be kept locked.

Members of the campus community should report any criminal acts and any suspicious looking individuals or unusual incidents to appropriate University officials, preferably to the Office of Public Safety.

Crime Prevention programs on personal safety and theft prevention are sponsored by various campus organizations throughout the year. Some examples include programs provided at new student orientation, in the halls by Residence Life staff or the Wellness Center Staff, and programming specifically on the topic of bystander intervention and sexual assault prevention provided by Peer Advocates for Change.

Campus Programs and Services

The Department of Public Safety, along with other departments and agencies, offers programs to help prevent and reduce crime. An explanation of some of the programs follows. For more information, contact Public Safety.

- **Campus Escorts Service** – Public Safety is available to escort any person on campus. Dial (802) 468-1215 to request the service or use the blue light emergency phones located across the campus.
- **Films & Lectures** – A variety of films and lectures are presented periodically. Programs range from victim awareness to crime prevention and may include outside speakers and instructors.
- **Counseling** – Castleton offers developmental counseling, assessment and referrals. Counseling services are located in the Campus Center at the Wellness Center. The (802) 468-1346.
- **Sexual Assault Education** – Castleton provides educational programs to encourage respect and trust and to educate the community about sexual misconduct, including rape, acquaintance rape, domestic violence, dating violence, sexual assault, stalking and other sex offenses. Examples include programming by the Peer Advocates for Change (a student group dedicated to promoting bystander intervention and sexual assault prevention) at new student orientation, with student athletes following mandated or best practices of the NCAA, and through the Residence Life Staff. Castleton has educational programs to promote awareness of sexual misconduct, domestic violence, dating violence and stalking. These include primary prevention and awareness programs for all incoming students and new employees, as well as ongoing prevention and awareness campaigns for students and employees. These programs include: a statement that these crimes are prohibited at Castleton; definitions of consent, domestic violence, dating violence, sexual assault, and stalking under Vermont state law; safe and positive bystander intervention; information on reducing risk by recognizing warning signs of abusive behavior and avoiding potential attacks; and information about Castleton's institutional disciplinary procedures.
- **Alcohol & Drug Abuse Education** – The office of Student Life and Wellness Center offers programs on drug and alcohol abuse. A full-time Wellness Educator provides programming in classrooms at the request of Faculty, in the Residence Halls, and via workshops throughout the year. Additionally, all students— though the primary audience is new students—have access to the on-line tool E-Checkup, one-on-one or small group counseling on alcohol and other drug issues, and are referred as needed through the conduct system to services that may be applicable.

Campus Notification

Emergency Response and Evacuation Procedures

- Castleton has an Emergency Management Team that meets regularly to update procedures to respond to emergencies that may occur on campus.
- Castleton works to immediately notify the campus community upon receiving confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students and employees occurring on campus. Castleton will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or contain, respond to or otherwise mitigate the emergency. Authority to activate such a notification rests with the President, Dean of Administration, and Dean of Students, or in an imminent situation, Director of Residence Life, Director of Public Safety, and the on-duty Public Safety Officer.
- When an emergency situation occurs on campus, public safety officers are dispatched to assess and render aid. Additionally, local and state police, fire and EMS resources may be immediately requested, depending Castleton's assessment, in consultation with local law enforcement if necessary, of the emergency.

- When it is confirmed that a serious emergency or dangerous situation exists, relevant information will be disseminated to the community by various means. These include: a siren system, emergency cellular text messaging system, emails, flyers, and personal contact.
- Response procedures and communication systems are tested on campus several times each year. Tests are announced ahead of time through email. Documentation stating the date and time and nature of tests is maintained in the Office of Public Safety.

Emergency Notification System

Castleton has an Emergency Notification System through Send Word Now that quickly sends messages to wired phones, cell phones, e-mail addresses, and text devices. Except for tests, this system is typically used only in the case of a serious threat to campus and not for routine weather notifications. The campus community is asked periodically to update personal information in their Send Word Now account. It is important to do so. A siren may sound if there is a threat to campus. Phones, e-mail, and text devices should be monitored for details and advice.

Crime Advisories

Any crime that is reported to Castleton or a local law enforcement agency that Castleton, in consultation with local law enforcement, if necessary, considers to represent a serious or continuing threat to students and employees will result in the posting of an advisory as soon as possible after a serious incident has occurred to warn the campus of a potential danger. Authority to activate such an advisory rests with the President, Dean of Administration, and Dean of Students. Names and specific locations are not posted, but details such as description of the alleged assailant, suspect vehicle, and last known location are all posted. These advisories will be distributed and posted, as appropriate, in all residence halls, Huden Dining Hall, the Campus Center, and other areas used by many students, and through campus e-mail.

Sex Offender Information

Information regarding registered sex offenders in Vermont can be obtained by visiting the State of Vermont's website at <http://vcic.vermont.gov/sor>

Castleton is a member of the Vermont State Colleges and is subject to the following VSC policies:

VSC Policy 311: Non-Discrimination and Prevention of Harassment and Related Unprofessional Conduct

Policy 311 prohibits discrimination or harassment on the basis of a person's race, color, ancestry, ethnicity, national origin, place of birth, sex, sexual orientation, gender identity, creed, religion, disability, age, veteran status, marital status, genetic information, positive HIV-related blood test results or any other status protected by state or federal law. Sexual harassment is illegal and the University will not tolerate sexual harassment of its students and employees, nor will the University tolerate unprofessional conduct that leads to and is associated with sexual harassment.

In the academic context, sexual harassment may be used to describe a wide range of behavior between students, between employees, or between students and employees. Unwelcome sexual advances, requests for sexual favors, and other unwelcomed verbal or physical conduct of a sexual nature may constitute sexual harassment.

VSC Policy 311: Non Discrimination and Prevention of Harassment and Related Unprofessional Conduct, and its related implementing procedures, can be found on the Castleton Portal, under the Public Safety section. They can also be found at <http://www.castleton.edu/directory/offices-services-directory/human-resources/title-ix-policy-311/> and at <https://www.vsc.edu/board-of-trustees/policies-procedures/student-affairs-policies/>.

To initiate a sexual harassment complaint, formally or informally, or for further information, contact:

Title IX/Policy 311 Coordinator
 Janet Hazelton
 Woodruff Hall
 Castleton, VT 05735
 (802) 468-1207
Janet.Hazelton@castleton.edu

VSC Policy 311-A: Sexual Misconduct, Domestic Violence, Dating Violence, Sexual Assault, and Stalking

Castleton is committed to maintaining an educational and working environment free from all forms of sex discrimination, including sexual misconduct. Castleton is also committed to maintaining an educational and working environment free from domestic violence, dating violence and stalking. Such misconduct will not be tolerated. These acts not only violate a person's feelings of trust and safety but can also substantially interfere with a person's education or employment.

VSC Policy 311-A: Sexual Misconduct, Domestic Violence, Dating Violence, Sexual Assault, and Stalking, and its related implementing procedures, can be found in the University Handbook under Sexual Misconduct Policies. They can also be found at <http://www.castleton.edu/directory/offices-services-directory/human-resources/title-ix-policy-311/> and at <https://www.vsc.edu/board-of-trustees/policies-procedures/student-affairs-policies/>.

To initiate a complaint under Policy 311-A, or for further information, contact:

Title IX Coordinator

Janet Hazelton
Woodruff Hall
Castleton, VT 05735
(802) 468-1207
Janet.Hazelton@castleton.edu

DEFINITIONS

Consent: Under Vermont law, “consent” to sexual activity is defined to mean “words or action by a person indicating a voluntary agreement to engage in a sexual act.” For purposes of VSC Policy 311-A, effective consent means words or actions that demonstrate to a reasonable person a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Effective consent cannot be gained by threat, force, coercion or intimidation or by ignoring words or actions that indicate a lack of consent or objection to the activity. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent can be rescinded at any time. It is the responsibility of the person who wants to engage in the sexual activity to ensure that he or she has effective consent from any other person involved. Silence, lack of protest, or lack of resistance are not sufficient standing alone to establish consent. The actions of the individuals involved and the context in which those actions occurred will be considered in determining whether or not there was consent. The existence of a dating relationship or a past sexual relationship between the persons involved is not a sufficient basis to assume consent. Past consent between two individuals does not imply present or future consent to sexual activity.

Consent is not valid when a person is incapable of giving consent: (1) due to the person’s use or consumption of drugs or alcohol; (2) when intimidation, threats, physical force, or other actions that are coercive are applied; (3) when a physical or mental condition is present such that the person cannot knowingly or voluntarily give consent; or (4) when a person is under the age of 16.

Alcohol-related incapacity results from a level of alcohol ingestion that is more severe than mere impairment, being under the influence, drunkenness or intoxication. Consumption of alcohol or drugs alone is insufficient to establish incapacitation. The question of incapacitation is determined on a case-by-case basis using both objective and subjective standards and includes an analysis of the objective behaviors of the person alleging sexual misconduct and whether the accused person knew or reasonably should have known that the person was incapacitated, or if the accused person played a role in creating the circumstances of incapacity. Whether the accused person knew or reasonably should have known the other person was incapacitated will be assessed in light of all relevant circumstances. Objective physical indications of incapacity include slurred speech, difficulty walking or standing, vomiting, and losing consciousness.

The use of alcohol or other drugs does not make a victim at fault for sexual misconduct. The use of alcohol or other drugs does not minimize or excuse a person’s responsibility for committing sexual misconduct. Nor does the use of alcohol or other drugs minimize or excuse a person’s responsibility for determining whether another person is capable of giving consent, as described above.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- (i) 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.
- (ii) For the purposes of this definition—
 - (A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - (B) Dating violence does not include acts covered under the definition of domestic violence.

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting. It is also a violation of VSC policy and is prohibited.

Domestic Violence: A felony or misdemeanor crime of violence 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 cohabiting with, or has cohabited 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.

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting. It is also a violation of VSC policy and is prohibited.

Retaliation: Retaliation against any person for reporting, supporting a victim, or providing information in connection with a complaint of sexual misconduct, domestic violence, dating violence, and stalking includes, but is not limited to: (1) pressuring a person to drop or not support a complaint or to provide false and misleading information; (2) encouraging a person to provide false and misleading information; (3) engaging in conduct that may reasonably be perceived to affect adversely that person’s educational, living or work environment; (4) threatening, intimidating or

coercing the person; or (5) otherwise discriminating against any person for exercising their rights and responsibilities under this Policy. Depending on the particular circumstances, retaliation may also be unlawful.

Retaliation as defined here violates Castleton policy and is prohibited.

Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program. The Federal Bureau of Investigation's Uniform Crime Reporting Program defines these offenses as follows:

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.

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.

A. *Fondling*—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

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

C. *Statutory Rape*—Sexual intercourse with a person who is under the statutory age of consent.

Sexual assault can be committed by any person against another person, regardless of gender, gender identity, sexual orientation, or past or current relationship status. Sexual assault may occur with or without physical resistance or violence.

Any incident meeting one or more of these definitions is considered a crime for the purposes of Clery Act reporting. It is also a violation of VSC policy and is prohibited.

Sexual Misconduct: Any non-consensual act of a sexual nature, which may or may not involve physical contact. Sexual misconduct may vary in severity and includes a range of behaviors and attempted behaviors, including, but not limited to sexual harassment as defined in Policy 311, Non-Discrimination and Prevention of Harassment and Related Unprofessional Conduct. Sexual misconduct includes sexual assault (as defined above) and also includes unwelcome sexual conduct that does not constitute sexual assault but is sexually violating in nature, such as nonconsensual physical contact of a sexual nature including, but not limited to, intentional contact of a sexual nature with the breasts, buttocks, groin, or mouth or contact of a sexual nature with any other body parts.

Sexual misconduct also includes sexually exploitative behavior and attempted sexually exploitative behavior. Examples of sexually exploitative behavior include, but are not limited to: (1) prostituting another person; (2) recording or capturing (through any means) images or audio of another person's sexual activity, intimate body parts, or nudity without that person's consent; (3) viewing or allowing or aiding others to view another person's sexual activity intimate body parts, or nudity without the person's consent; and (4) sexual exhibitionism or exposure of one's genitalia in the presence of others without their consent.

Sexual misconduct as defined here violates Castleton policy and is prohibited.

Stalking: (i) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

(A) Fear for the person's safety or the safety of others; or

(B) Suffer substantial emotional distress.

(ii) For purposes of this definition—

(A) *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.

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

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

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting. It is also a violation of Castleton policy and is prohibited.

The Vermont state law definitions of dating violence, domestic violence, sexual assault and stalking are set forth in Appendix B to the Chancellor's Procedures for Implementation of VSC Policy 311-A (link: <https://www.vsc.edu/wp-content/uploads/2018/09/Policy-311-A-Procedures-9-1-18-current.pdf>).

PREVENTING AND RESPONDING TO SEXUAL MISCONDUCT, DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING

Sexual misconduct often creates difficult emotional issues for the individual. Through regular educational programs, the University seeks to promote awareness and to inform students of risk reduction strategies and of the steps to take in the event of sexual misconduct. Copies of, or links to, this policy are made available annually to all students and employees. In addition, students and employees who report being the victim of domestic violence, dating violence, sexual assault, or stalking will be provided with a written explanation of their rights and options. Support and guidance for victims of sexual violence are available at <http://www.castleton.edu/campus-life/student-resources/university-handbook/harassment-hazing-sexual-misconduct-stalking/support-and-guidance-for-victims-of-sexual-violence/>. Or at www.resolve.vsc.edu

Victims of sexual misconduct, domestic violence, dating violence have the option to:

- Notify law enforcement;
- Obtain assistance from campus authorities in notifying law enforcement; or
- Not notify law enforcement.

A victim who chooses not to notify law enforcement immediately has the option to notify law enforcement at a later time. A victim may also choose to pursue a criminal complaint and a complaint through Castleton's institutional disciplinary procedures simultaneously.

The University is committed to taking action against those who are found to have violated its code of conduct policies. A sexual misconduct violation can result in consequences up to and including criminal charges and dismissal from the University. The University is also committed to assisting individuals, regardless of whether the conduct occurs on or off campus. If you are a victim of sexual assault:

- Get to a safe place as soon as possible. Contact a trusted person for support.
The following resources are available to you and are here to help.
 - Peer Advocates for CHANGE (802-417-1408);
 - An Area Coordinator;
 - Wellness Center professional staff (x 1313, 1314, 1346);
 - Public Safety (x1215);
 - Your Academic Advisor;
 - Associate Dean of Students (x 1231);
 - Rutland County 24-Hour Rape Crisis Line (1-800-489-7273 or 1-800-228-7395 or 802-775-3232);
 - Sexual Assault Nurse Examiner (SANE) 802-747-3601 (Emergency Department)
 - Parents or a trusted friend.
- Preserving evidence is important because it may assist in proving that an alleged crime occurred or may be helpful in obtaining a protective order. Do not wash, go to the bathroom, or change clothing, if it can be avoided. This will help to preserve physical evidence, should you decide to take legal action. If you must change clothing, all of the clothing worn at the time of the assault should be put in a paper bag (not plastic).
- Seek medical attention as soon as possible.
- Decide what actions to take (see below)

Everyone is strongly encouraged to report alleged violations. All Castleton employees are responsible for reporting any alleged violation of Policy 311 or Policy 311-A of which they are aware or made aware to the Dean of Students, the Title IX Coordinator, or Public Safety. General information from the reports of Clery Act crimes occurring on the University's covered property will be included in the University's annual crime statistics. Personally identifiable information about victims is not otherwise publicized.

Victims of sexual misconduct may decide what action they wish to take, if any. Incidents of sexual misconduct may be reported to the state or local law enforcement and/or to Public Safety, the Dean of Students Office or the Title IX Coordinator (see above). Regardless of where the alleged offense occurred, the University provides alleged victims with a written explanation of their rights and options.

Choosing not to request official action at the time of the incident does not preclude a person from requesting action at a future date, though the process of investigation and adjudication becomes more difficult over time. Please note, that where circumstances warrant, the University may report and/or investigate an alleged violation even if the alleged victim chooses not to pursue official action.

The University's disciplinary process is intended to provide a prompt, fair, and impartial investigation and resolution for all parties involved. The process is conducted by officials who receive annual training on issues related to sexual misconduct (including sexual assault), domestic violence, dating violence, and stalking, and on how to conduct an investigation and a hearing process that protects the safety of victims, respects the due process rights of all parties, and promotes accountability. The University uses the preponderance of the evidence standard (*i.e.*, whether it is more likely than not that a violation occurred) in determining the outcome of an investigation.

The accuser and accused are entitled to equal opportunities to have others present during a University disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choosing. Both the accuser and accused are simultaneously informed, in writing, of: (a) the outcome of any University disciplinary proceeding that arises from an allegation of sexual misconduct, domestic violence, dating violence, or

stalking; (b) the University's appeal procedures, as applicable; (c) any change to the result that occurs prior to the time that the result becomes final; and (d) when the result of the disciplinary proceeding becomes final.

CONFIDENTIALTY

Castleton is committed to maintaining the privacy of all individuals involved in a report of sexual misconduct, domestic violence, dating violence, and stalking to the extent it reasonably can do so. While Castleton encourages individuals to report incidents of misconduct in violation of its Policies, the University understands that it can be difficult for individuals to come forward to report such misconduct. The following resources have differing obligations to maintain confidentiality and to report incidents.

- **Confidential Off-Campus Resources** - Crisis services and off-campus healthcare providers will generally maintain confidentiality, to the extent permissible under applicable law.
- **Campus Counselors and Health Services Professionals** – Castleton's licensed professional counselors and health services staff respect and protect confidential communications from students and employees to the extent permissible under applicable law. They may have the legal or ethical responsibility to disclose otherwise-privileged information in the event they perceive an immediate and/or serious threat to any person or property. In addition, medical and mental health professionals are required by law to report any allegation of sexual assault of a person under age 18. These professionals will report incidents, without any identifying information, to the Title IX Coordinator so Castleton is aware that an incident of alleged misconduct under this Policy has occurred. If the incident is a crime covered by the Clery Act, these professionals will report it, without any identifying information, to Public Safety for Clery Act purposes. The non-identifying information to be reported includes the nature, date, time and general location of the incident.
- **University Employees** - University employees, other than those employed by Castleton in their capacity as licensed professional counselors and health services staff, are not confidential resources and cannot guarantee confidentiality. General inquiries or questions about policies and procedures do not have to be reported. Employees who learn of an incident of sexual misconduct, domestic violence, dating violence, sexual assault, or stalking are expected to report this information to the Title IX Coordinator, the Dean of Students, or the President. Employees who are Campus Security Authorities are also required to report certain sex offenses and other crimes to the Department of Public Safety for the purpose of Castleton's compliance with the Clery Act. All information will be kept securely and, even if an individual does not request confidentiality, information is shared on a "need to know" basis only with those assisting in any review, investigation or adjudication of the report, or who otherwise need to know the information to perform the duties of their position. Although not bound by confidentiality, these individuals should be discreet and respect the privacy interests of all individuals involved in the process. Castleton will strive to protect the privacy interests of individuals to the extent it can while fulfilling its obligations to uphold relevant policies and regulations, to conform to any legal requirements, and to take reasonable steps to promote the safety of members of the University community. Castleton will evaluate requests for confidentiality on a case-by-case basis, within the context of its responsibility to provide a safe and nondiscriminatory environment for all students, employees and third parties, and to promote the health, safety, and wellbeing of the University community.
- **Law Enforcement** - Reports to law enforcement are not confidential.

PROTECTIVE MEASURES

Upon request, the Title IX Coordinator or designee will work with victims of sexual misconduct, domestic violence, dating violence, sexual assault, or stalking to determine whether alternative academic, transportation, working and/or living situations are reasonably available. Individuals do not have to file a formal complaint, participate in a disciplinary process, or file a criminal complaint in order to request such help from the University. Examples of possible measures that may be taken prior to the final outcome of any disciplinary process or criminal charge, include: changing academic or work schedules; permitting students to withdraw from or retake a class without penalty; facilitating access to academic support services; changing residence hall assignments; providing information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available at the University and/or in the community; issuing no-contact or no-trespassing orders; and increasing security. If requested, Castleton will maintain as confidential any accommodations or protective measures provided to victims to the extent that maintaining confidentiality does not impair the University's ability to provide such measures and is consistent with the University's policies.

Interim measures may be offered as appropriate to the respondent, as well as to the complainant. Assessment of a party's need to receive an interim measure will generally be made on an individualized basis, as appropriate, based on the information gathered by the Title IX Coordinator. The measures needed by each party may change over time and the Title IX Coordinator should communicate with the parties to evaluate whether the measures provided are necessary and effective based on the parties' evolving needs.

Any measure taken should seek to minimize the burden on the alleged victim while respecting the due process rights of the person accused of engaging in the prohibited conduct. The imposition of any of these measures does not indicate a presumption of guilt, nor does it preclude subsequent disciplinary action. A no-contact order in and of itself does not constitute discipline and will not appear in an employee's personnel file or on a student's disciplinary record, but refusal to comply with a no-contact order (or other interim measure) is a violation of policy and may result in disciplinary action. A no-trespass notice prohibits the presence of an individual in a designated area. Such notices are legally enforceable and, if violated, may lead to arrest.

COURT ORDERS

Castleton is committed to ensuring the safety and well-being of individuals who are being or who may have been subjected to sexual misconduct, domestic violence, dating violence, sexual assault, or stalking. Such individuals may have the right to obtain orders of protection, restraining orders and/or relief from abuse orders from Vermont courts. Upon request, Castleton will assist individuals in making contact with law enforcement authorities and other external resources to seek such orders. This assistance is available regardless of whether an individual chooses to file a report with Castleton University.

OVERVIEW OF DISCIPLINARY PROCEDURES

The following is an overview of the disciplinary process. A copy of the full disciplinary procedures that will be followed in cases of sexual misconduct (including sexual assault), domestic violence, dating violence, and stalking can be found in the University Handbook, under “Disciplinary Procedures.”

Castleton may investigate and pursue disciplinary action against a person accused of violating Policy 311-A even if the alleged victim chooses not to file a formal complaint. Once a formal complaint has been filed, alleging that an incident of sexual misconduct, domestic violence, dating violence, sexual assault, or stalking has occurred, the respondent whose conduct is the subject of the complaint will be notified of the allegations.

The Investigation

Two impartial, qualified, and trained investigators will be appointed to investigate reports of alleged sexual misconduct in violation of Policy 311-A. The investigators will seek to conduct an investigation that is prompt, fair, impartial, and appropriate under the circumstances. The nature and scope of the investigation is within the discretion of the investigators. The person lodging the report (“complainant”) and the alleged perpetrator (“respondent”) each have the opportunity to be accompanied by an advisor of their choosing throughout the disciplinary process. The complainant and respondent will be asked to identify relevant evidence they would like the investigators to review, as well as witnesses they would like the investigators to interview and questions they would like the investigators to ask the witnesses. The investigators have discretion as to what evidence to pursue and witnesses to interview, depending on their determination of what they reasonably believe to be related to the issues in dispute. The parties will not be permitted to question or cross-examine each other directly during the course of the investigation but, if they wish, may provide a list of questions they would like the investigators to ask the other party. The investigators have discretion as to whether to ask any such questions precisely as posed, or at all, depending on their determination of what questions would reasonably lead to the discovery of relevant information. Questions about the complainant’s sexual history with anyone other than the respondent shall not be permitted.

At the conclusion of their investigation, the investigators shall prepare a report setting forth their findings and recommendations. The investigators shall endeavor to prepare their report within forty-five (45) calendar days from their appointment to serve as investigators, excluding scheduled breaks during the fall and spring semesters. This timeframe may be extended for good cause with written notice to the parties of the delay and the reason(s) for the delay. The complainant and respondent will each be given the opportunity to review the investigators’ report and to provide a written response to the report to the investigators typically within seven calendar days. The final report, along with copies of any written responses, shall be sent to the Title IX Coordinator, the Castleton Responsible College Administrator (“RCA”), the complainant, and the respondent.

Adjudicating Student Respondents

The RCA is not bound by the investigators’ report and may accept or reject the investigators’ recommended conclusion in whole or in part, or may request additional relevant information before making a final determination. The complainant and the respondent may choose to meet and talk with the RCA before a final determination is made. The RCA shall issue a determination as to whether a violation has occurred. If the RCA determines that the respondent has engaged in conduct that violates Policy 311-A (or other VSC policies, if applicable), the RCA shall impose disciplinary sanctions on the student.

Possible disciplinary sanctions include verbal and written warnings, written reprimands, education, counseling, loss of privileges, probationary status, removal from College housing, suspension, dismissal/expulsion, revocation of degree, and/or withholding of transcript or other action determined to be appropriate under the circumstances. The sanctions of probation, removal from College housing, and suspension will be for a particular period of time, ranging from a number of days to a number of semesters, as determined on a case-by-case basis. Regardless of the finding, other action may be taken as appropriate under the circumstances, including but not limited to room changes, class changes, building restrictions, extracurricular activity restrictions, modification of no contact orders, and other actions to preserve the rights of the complainant to a safe environment.

To the extent permitted by law, the complainant and respondent will be notified, simultaneously and in writing, of: (1) the RCA’s determination; (2) the disciplinary sanctions, if any, to be imposed; and (3) the procedures for complainants and respondents to appeal the determination and disciplinary sanctions. A copy of the RCA’s determination shall be sent to the Title IX Coordinator. Absent extenuating circumstances, the RCA will endeavor to issue a determination as to whether a violation of VSC’s policies has occurred and the imposition of any sanctions (or other action) within fourteen (14) calendar days after receiving the investigators’ report or within seven (7) calendar days of obtaining additional information or meeting with the parties, whichever is later. This period may be extended for good cause, with written notification to the parties, if, for example, the RCA determines that further information or investigation is needed.

Both the complainant and respondent have the right to appeal the outcome on the following grounds: (1) procedural error where the error prevented fundamental fairness; (2) the discovery of previously unavailable evidence that could significantly impact the outcome of the case; (3) the determination is arbitrary and capricious; or (4) the sanction is

substantially disproportionate to the findings. Within seven calendar days of receiving the final determination and any discipline or sanctions imposed, the parties may appeal to the President of the University (or the President's designee) by delivering a written statement of appeal to the President and to the Dean of Students. The Dean of Students shall notify the other party of the appeal and the other party shall be given seven calendar days in which to submit a written response to the appeal to the President (or the President's designee), with a copy to the Dean of Students. Both parties will be informed simultaneously and in writing, of (1) any change to the discipline and/or sanctions imposed while the appeal is pending, and (2) the final decision. The decision of the President (or the President's designee) is final.

Adjudicating Employee Respondents

The RCA is not bound by the investigators' report and may accept or reject the investigators' recommended conclusion in whole or in part, or may request additional relevant information before making a final determination. After considering the investigators' report and any such additional information, the RCA shall notify the complainant and respondent, simultaneously and in writing, of the RCA's initial determination as to whether a violation of Policy 311-A (or a violation of any other policy, agreement or handbook, if applicable) occurred and shall outline the discipline, if any, being contemplated. The complainant and respondent may each request to meet with the RCA, before a final determination is made, and may be accompanied by an advisor of their choosing. If the respondent is an employee who is covered by a collective bargaining agreement, the procedures and mutual obligations of VSC and the employee regarding disciplinary action delineated in those agreements will apply.

After any such meetings, the RCA shall notify the complainant and respondent, simultaneously and in writing, of the RCA's final determination as to whether a violation of Policy 311-A (or a violation of any other policy, agreement or handbook, if applicable) occurred and the disciplinary action(s) to be imposed. The RCA shall also notify the complainant and respondent, in writing, as to any right that the parties may have to appeal the determination and disciplinary action, pursuant to the relevant employee collective bargaining agreement or the VSC personnel handbook for those employees not covered by a collective bargaining agreement. A copy of the RCA's determination shall be sent to the Title IX Coordinator. Absent extenuating circumstances, the RCA shall issue a final determination as to whether a violation of Castleton's policies has occurred and the imposition of any discipline (or other action) within seven calendar days after receipt of the investigators' report.

Disciplinary action under existing policies and/or contracts may include verbal warnings, written warnings, written reprimands, probation, suspension, termination of employment, non-renewal of a contract, or other action determined to be appropriate under the circumstances. The sanctions of probation and suspension will be for a particular period of time, ranging from a number of days to a number of semesters, as determined on a case-by-case basis. Additional non-disciplinary outcomes, such as extending and modifying no contact orders, may also be imposed, regardless of the finding, to preserve the rights of the complainant to a safe environment.

In cases where the respondent is an employee, the right to appeal shall be governed by the relevant employee collective bargaining agreement or the VSC personnel handbook for those employees not covered by a collective bargaining agreement. Both parties will be informed simultaneously and in writing, of (1) any change to the discipline and/or sanctions imposed while the appeal is pending, and (2) the final decision.

Public Safety Staff

Student and employees should report missing persons and criminal offenses for the purpose of making timely warnings and annual Clery Act disclosures to the following members of the Public Safety Department:

Keith Molinari, Director of Public Safety

Tom Holland, Full-time Officer

Floyd Morey, Full-time Officer

Tom Scheck, Full-time Officer

Brad Adair, Full-time Officer

Gus Austin, Full-time Officer

Michael Scott, Full-time Officer

Jeremiah Desautels, Part-time Officer

Karla Tomasi, Administrative Assistant

The Public Safety Department includes student officers and student switchboard operators.

See also the Annual Fire Report found on Castleton's website (www.castleton.edu) under Campus Safety.

October 1, 2018