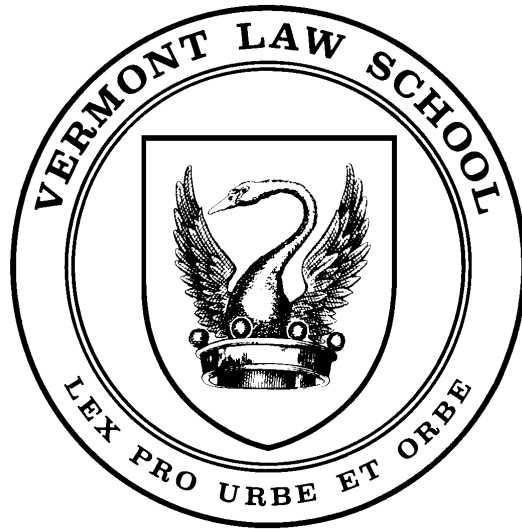


CODE OF CONDUCT



The Code of Conduct may be amended at any time by the President and Dean after consultation with the Student Services Committee, the Vice Dean, and the Associate Dean for Student Affairs and Diversity. Notice of amendment shall be given by posting on the official campus bulletin board, email, and through the campus mail.

CODE OF CONDUCT

Adopted 10/10/94

Amended 6/7/06

Amended 4/14/10

Effective Date 7/1/06 *This policy applies to all complaints of discrimination or harassment made on or after July 1, 2006. The existing Nondiscrimination Policy and Procedures and related provisions apply to complaints made before that date.*

ARTICLE I. STANDARDS OF CONDUCT.

"I pledge that I will uphold the highest standards of academic excellence, honesty, professionalism, and integrity. In my academic and professional life, I will treat others with dignity, respect, and courtesy. I commit myself to zealous advocacy for justice and to ethical service without prejudice."

This oath is sworn before a Vermont Supreme Court justice by all Vermont Law School students upon their first morning of school. Vermont Law School students are citizens of an academic and social community whose members are expected to show respect for the person, property, and rights of others. Students seeking admission to the Vermont Bar, as well as most other state bars, must meet a standard of conduct set by the bar. Vermont Law School is required to certify a student's character and fitness for the bar and for clearance by the FBI and other investigators for positions with the federal government. Therefore, all students are expected to maintain the standards set in this Code of Conduct.

ARTICLE II. APPLICATION OF THE CODE OF CONDUCT.

This code governs all matters of conduct not covered by the Vermont Law School Honor Code. It applies to the conduct of students of Vermont Law School (VLS) with regard to their actions in connection with the application and admissions process, educational activities, career services, employment, or other law school-related activities, when those actions occur on VLS property or in the use of VLS facilities (including the computer network and telephone and email systems). This Code also applies when those actions occur off campus in connection with events sponsored by VLS or VLS-approved organizations, or in connection with official business undertaken for VLS, or in other circumstances where an action could have a significant impact on the educational or employment environment or the reputation or integrity of VLS or could pose a threat to the safety or other interests of VLS or members of the VLS community.

This Code of Conduct does not govern interactions between members of the Vermont Law School community that do not involve violations of its provisions. An employer-employee dispute, a contract dispute, a landlord-tenant dispute, a domestic dispute, or other civil dispute between two individuals who happen to be members of the Vermont Law School community is governed by local, state, or federal law rather than this Code except insofar as the dispute also involves actions by the parties that independently are violations of the Code.

Conduct covered by this Code may also violate local, state, and federal laws. This Code will not be used merely to duplicate the function of those laws, but where Vermont Law School's distinct interests as an academic community are involved, the law school may pursue enforcement of its own policies whether or not

legal proceedings involving the same incident are underway or anticipated. Vermont Law School may use information from third-party sources, such as law enforcement agencies and the courts, to initiate proceedings under this Code of Conduct. Conversely, Vermont Law School will not shield law students from the law, nor will it intervene as a party in legal proceedings against a law student.

This Code prohibits:

1. Any conduct that evidences fraud, deceit, dishonesty, any intent to harm or to obtain unfair advantage over another, or a gross disregard for the rights of others; and
2. any conduct that violates Vermont Law School regulations or policies contained in the Vermont Law School Student Handbook; and
3. any other conduct or activities that raise serious doubts about the student's honesty, integrity, or fitness to practice law, regardless of whether the conduct occurred on campus or off campus, while classes were in session or during semester breaks.

A student violates this Code of Conduct if he or she acts purposely, knowingly, or recklessly. A student acts purposely if it is the student's conscious object to engage in prohibited conduct or to cause a prohibited result, whether or not the student knows the conduct is prohibited. A student acts knowingly when that student knows that such conduct is prohibited or knows that his or her conduct will cause a prohibited result. A student acts recklessly when that student consciously disregards a substantial and unjustifiable risk that his or her conduct will fall within prohibited conduct or cause a harmful result.

It is not a defense to charges of violating this Code of Conduct for a student to claim that she or he has not received, read or understood this Code, or is otherwise ignorant of its provisions. A student is held to have notice of this Code of Conduct by enrolling in a Vermont Law School class.

Violations of the Code of Conduct include, but are not limited to:

- Alcohol policy violation
- Alteration, misuse, or forgery of documents, records, ID's, or keys

Any and all felonies and misdemeanors excluding minor traffic violations

- Arson
- Attempting to improperly influence the decision of the VLS Disciplinary Board
- Conduct off campus that is incongruent with the mission and goals of VLS
- Deliberate tampering with fire safety equipment on campus
- Desecration, profanation, misuse of any VLS property
- Disruptive behavior
- Drug policy violation
- Failure to present proper identification of oneself or one's guest when asked by VLS personnel or campus security; failure to comply with the directives of VLS personnel, including FitzVogt staff, or knowingly furnishing false information to VLS personnel
- Harassment, Sexual Harassment and Discrimination Policy violation

- Lewd, indecent, or obscene conduct
- Lying
- Misuse of VLS fire equipment, VLS ID card, the VLS computer network, the VLS email system or telephones (including pay phones)
- Obstruction or disruption of educational activities, administrative functions, or other activities of the Law School
- Physical assault
- Sexual Assault Policy violation
- Theft, attempted theft, or sale of VLS property or property belonging to others
- Unauthorized entry into any VLS sponsored event or club/organization activity
- Unauthorized entry into or use of VLS or student facilities or property
- Use or possession of firearms, explosives, knives, ammunition, or other lethal devices on campus
- Verbal abuse
- Willful damage
- Reading, copying, altering, or deleting computer files in another user's account without permission of that user; willfully modifying or disabling computer files, programs, or equipment provided by the Computer Center for general use; using VLS computing facilities for outside business purposes

Each student is responsible for keeping informed of any changes in this Code. Ignorance of regulations and changes to regulations are not an excuse for violations of the VLS Code of Conduct.

ARTICLE III. STUDENT'S DUTY TO REPORT

Vermont Law School is required to certify students' and graduates' good character and fitness to the state bar examiners. Students are responsible for informing themselves on the character and fitness requirements of the bar in the state or states where they intend to practice. Students have a duty to promptly report to the Associate Dean for Student Affairs and Diversity any charges, arrests or convictions of a violation of any civil or criminal law, other than a minor parking violation or parking ticket. In their application to Vermont Law School, students are required to disclose such events, as well as any prior disciplinary action by an educational institution, government, or administrative agency (including any branch of the Armed Forces). Students who failed to disclose such in their application materials must report to the Associate Dean for Enrollment Management. A failure to disclose events which occurred prior to or during law school may lead to more serious consequences than the event itself. Any failure to report is a violation of the Code of Conduct.

ARTICLE IV. PROCEDURE.

A. GENERAL PROVISIONS.

1. The procedures for investigating and resolving complaints under this Code include voluntary informal resolution, mediation, informal process and formal process. The availability of these procedures does not restrict the authority of the President and Dean to take whatever action he or

she deems necessary to maintain good order within the law school or to determine whether harassment or discrimination is occurring and ensure that any such action cease.

B. COMPLAINT AND PRELIMINARY PROCEEDINGS.

1. Any person may initiate a proceeding under this Code by making a complaint to the Associate Dean for Student Affairs and Diversity (the Associate Dean) alleging a violation of the Code. The complaint may be oral or written. Upon receiving a complaint that this Code has been violated, the Associate Dean shall meet with the complainant, outline the possible courses of action, and explain the operation of these procedures. The Associate Dean shall discuss the allegations with the complainant to determine whether all pertinent facts have been alleged. The Associate Dean may conduct a further investigation.
2. If the Associate Dean determines that the facts alleged, if true, would not establish a violation of the Code, the Associate Dean shall dismiss the complaint. When a complaint is dismissed for this reason, the Associate Dean may ask the complainant and the student complained against to meet in an effort to resolve differences between them. The fact that a complaint has been filed and dismissed will not be publicly disclosed by the Associate Dean or any party unless all parties agree.
3. If the Associate Dean does not dismiss the complaint under paragraph 2, he or she shall notify the student complained against of the substance of the complaint, meet with the student, outline the possible courses of action, and explain the operation of the procedures. The Associate Dean at his or her discretion may appoint advocates for the complainant and the student complained against. The appointed advocates serve as advisors, but do not give legal advice. There is no attorney/client privilege between students and advisors. The students may retain legal counsel at their own expense. The Associate Dean shall give the student the opportunity to tell her or his side of the story. If it is appropriate in the circumstances, the Associate Dean may ask the parties to participate in voluntary informal resolution of the complaint as provided in subsection IV.C. and may take other actions designed to clarify and resolve issues for the parties and the law school community.
4. If the Associate Dean does not request voluntary informal resolution, or that procedure does not result in resolution of the complaint, the Associate Dean shall appoint a Preliminary Investigator to conduct a preliminary investigation of the facts and submit a written report to the Associate Dean. When conducting a preliminary investigation, the Preliminary Investigator shall make every effort to avoid disclosing sensitive information, although full confidentiality cannot be guaranteed.
5. The Preliminary Investigator shall complete the investigation and submit her or his report within 30 working days after the date of appointment unless the time is extended by the Associate Dean for reasonable cause. Upon receipt of the Preliminary Investigator's report, the Associate Dean may direct such further investigation as he or she deems necessary. The report may be given, as appropriate, to the parties, to the mediator under subsection IV.D., to the Vice Dean for Academic Affairs (Vice Dean) under subsection IV.E. or to the Chair of the Disciplinary Board and the President and Dean of the law school (President and Dean) under subsection IV.F. The report will be included in the President and Dean's confidential file under subsection IV.L., but will not otherwise be distributed or disclosed to anyone.

6. At the conclusion of the preliminary investigation, and after consulting with the complainant and the student complained against, the Associate Dean will determine whether there are reasonable grounds to believe that a violation of this Code has occurred. If there are not reasonable grounds to believe that a violation has occurred, the Associate Dean shall dismiss the complaint. If the complaint is dismissed on this ground, the Associate Dean may ask the parties to meet in an effort to resolve differences between them and may take other actions designed to clarify and resolve issues for the parties and the law school community.
7. If the Associate Dean finds reasonable grounds to believe that a violation of this Code has occurred, he or she shall determine whether the complaint is to be resolved by mediation as provided in subsection IV.D., informal process as provided in subsection IV.E., or formal process as provided in subsection IV.F. and shall take the steps necessary to initiate the procedure selected. Pending resolution of the complaint by one of these procedures, the Associate Dean, or the President and Dean, is authorized to take whatever interim measures he or she deems necessary to maintain good order within the law school or to ensure that any harassment or discrimination complained of ceases.
8. The Associate Dean shall issue a written statement of reasons for any decision that he or she makes under this subsection and shall provide a copy of that statement to the parties and to the President and Dean.

C. VOLUNTARY INFORMAL RESOLUTION.

With the agreement of the parties, the Associate Dean may work with them to reach an informal resolution of the complaint. Other members of the law school community or outside individuals with appropriate experience or expertise may be asked to participate in an informal resolution process.

1. Voluntary informal resolution must be completed within 20 working days after the parties have signified their agreement to participate unless the Associate Dean extends the time for reasonable cause. If the process does not result in a resolution satisfactory to the parties and approved by the Associate Dean within the allotted time, the Associate Dean shall resume the proceeding at the point at which voluntary informal resolution was undertaken.
2. A written report of a voluntary informal resolution that reaches a result satisfactory to the parties and approved by the Associate Dean shall be provided to the President and Dean and made part of the confidential file of the complaint. The resolution reached shall not be disclosed by the Associate Dean or any party unless the parties agree.
3. An informal resolution of the complaint by the parties does not affect the power and responsibility of Vermont Law School to take whatever action may be necessary to ensure compliance with all policies and regulations of the law school.

D. MEDIATION.

1. If the Associate Dean determines that mediation is appropriate, then the Associate Dean, or another mediator selected by the Associate Dean, may undertake mediation with the complainant and the student complained against. Mediation shall not be undertaken unless both parties agree.
 - a. During mediation, each party may be accompanied by counsel or another person of his or her

- own choice and at his or her own expense.
- b. Possible resolutions through mediation include, but are not limited to, an apology (public or private); promise to cease the behavior complained about; counseling; limitations on contact; assurance of no retaliation; notation in the student's personal file.
 - c. Mediation will be completed within 30 working days after the parties have signified their agreement to participate unless the Associate Dean, on the representation of the mediator that a mediated resolution is probable, extends the time.
2. A complaint shall be deemed resolved by mediation when both parties have signed a settlement agreement indicating their acceptance of the resolution reached in the mediation procedure, the mediator has approved and signed the agreement, and the Associate Dean has approved the agreement and dismissed the complaint with any necessary conditions.
 3. If a complainant believes that a mediated settlement agreement has been breached, she or he shall make a complaint to the Associate Dean. If the Associate Dean decides that the mediation agreement has been breached, he or she shall undertake appropriate further proceedings or may recommend an appropriate sanction or disciplinary action to the President and Dean. The President and Dean may accept, reject, or modify the recommended sanction or disciplinary action.
 4. Either party may withdraw from mediation at any time before resolution. If a party withdraws from mediation, the mediator will report the status of the mediation to the Associate Dean. The Associate Dean may dismiss the complaint or may reopen the preliminary investigation or may determine that the complaint should be resolved in another resolution procedure under this Code.

E. INFORMAL PROCESS.

1. If the Associate Dean finds that mediation is not appropriate or has not resulted in an approved settlement agreement and that the violation is subject only to Class Two Sanctions (as set out in Article V), he or she shall proceed as follows. The Associate Dean shall discuss the charges, the potential consequences, and the operation of the informal process with the student complained against. After discussion with the student and deliberation, the Associate Dean shall make a decision as to whether a violation has occurred and shall make a recommendation concerning sanctions to the President and Dean. In this recommendation, the Associate Dean is limited to Class Two Sanctions.
2. The student may appeal the decision and recommendation of the Associate Dean to the President and Dean. No other appeal is available. If the student does appeal, the President and Dean may affirm, reverse, or modify the decision of the Associate Dean, and may accept, reject, or modify any recommended sanction that may be made by them Associate Dean, provided that only a Class Two Sanction may be imposed. The President and Dean may confer with the Associate Dean during this process. The decision of the President and Dean is final.
3. If the student does not appeal, the President and Dean shall approve the recommended sanction.
4. The complainant will be informed of the final decisions and the sanctions, if any, that have been imposed upon the student complained against.

F. FORMAL PROCESS.

1. If the Associate Dean finds that mediation is not appropriate or has not resulted in an approved settlement agreement and that the violation is one the sanctions for which are not limited to Class Two Sanctions (as set out in Article V), he or she shall discuss the charges, the potential consequences, and the formal process with the student complained against. The student will be given the option of going forward with the formal process or agreeing in writing to abide both by the decision of the Associate Dean as to whether a violation of this Code of Conduct has occurred and by the sanction imposed by the President and Dean upon the recommendation of the Associate Dean. Such agreement by the student will constitute a waiver of any right to the formal process. In this process, the President and Dean may accept, reject, or modify any recommendation which may be made by the Associate Dean. The President and Dean may confer with the Associate Dean during this process. The decision of the President and Dean is final. In this process, the Associate Dean and the President and Dean are not limited to Class Two Sanctions.
2. If the student decides to proceed with the formal process, the Associate Dean will schedule a hearing before the Vermont Law School Disciplinary Board and shall give notice to all parties and the President and Dean. The hearing shall be held within 20 working days after notice is given unless the time is extended by the Associate Dean for reasonable cause. The notice shall include the date, time, and location of the hearing and a summary of the elements of the complaint.
3. The Vermont Law School Disciplinary Board shall be composed of the Associate Dean as a non-voting chair, three members of the Vermont Law School faculty committee on standards, administration or staff appointed by the President and Dean, and two students elected from the student body at large during fall elections.
4. The hearing shall not be a formal adversarial one in the sense that there will be a prosecution versus a defense. The purpose of the hearing is to gather information to enable the Disciplinary Board to make a factual determination and if necessary to recommend a sanction. To that end, the Associate Dean shall conduct the proceeding and shall have the right to call witnesses and present documents as evidence. The Associate Dean and all members of the Disciplinary Board shall have the right to question witnesses and examine documents offered as evidence. The law school may have counsel present at the proceeding.
5. Because this is not a trial, rules of evidence may be more relaxed in the interest of gathering all relevant information.
6. The student complained against will be entitled to have counsel or another person of his or her own choosing at the hearing. The student or any such counsel or person will also have the right to call and question witnesses and the right to examine documents offered as evidence.
7. After hearing all witnesses and considering all evidence presented, the Disciplinary Board shall decide whether a violation of the Code of Conduct has occurred. A majority vote shall be necessary for a finding of a violation and the recommendation of any sanction. However, a recommendation of expulsion or a recommendation that an awarded degree be withdrawn shall require unanimity.

The Associate Dean shall appoint a member of the Disciplinary Board to prepare a written report stating: (1) the essential findings of fact upon which the Board's determination of violation or no violation is based; (2) the conclusions which are necessary to support the determination; and (3) the recommended sanction if a determination of violation is made. Concurring and dissenting members may prepare reports explaining their positions. Copies of the report(s) shall be given to the student complained against and to the President and Dean.

8. The Disciplinary Board shall tape record the hearing in each case. The recording, documents received, and the opinion of the Board shall be retained in the Dean's Office. This record may be referred to by the Board for any purpose, but the confidentiality of the record should otherwise be maintained. At any time after three years, the Board may destroy the record except for the final report/opinion of the Board and the opinion of the President and Dean, if any.
9. If the student complained against does not appeal the decision of the Disciplinary Board within fourteen days after receiving the written report of the Board, the decision of the Disciplinary Board on the merits shall become final and binding upon all parties, and the President and Dean shall proceed to consider implementation of the recommended penalty. In so doing, the President and Dean may confer with the Associate Dean and shall have plenary power to accept, reject, or modify the recommended penalty. The decision of the President and Dean is final.
10. The student may appeal the decision of the Disciplinary Board directly to the President and Dean. If the student appeals, the President and Dean may affirm, reverse, or modify the decision of the Disciplinary Board and may accept, reject, or modify any recommended sanction. The President and Dean may confer with the Associate Dean during this process. The decision of the President and Dean is final.
11. The complainant will be informed of the final decisions and the sanctions, if any, that have been imposed upon the student complained against.

G. CONFIDENTIALITY.

1. All proceedings under this Code are confidential from the initial complaint through the final decision of the President and Dean. The identity of the complainant and other witnesses will be disclosed to the student complained against, unless the Associate Dean decides otherwise.
2. The law school has the right to investigate incidents or situations brought to its notice.
3. All hearings and meetings are confidential and are not open to persons not directly involved in the proceedings.
4. The President and Dean has discretion to report violations of local, state, and federal law to the appropriate authorities. The President and Dean also has discretion to report the results to the Vermont Law School community. The Associate Dean and the Disciplinary Board may recommend public acknowledgment of wrongdoing by an accused student as a sanction. The student complained against has the right to release only the results of the proceeding.
5. These confidentiality provisions cannot be waived except as provided in this subsection.

H. STANDARD OF PROOF.

Before a student may be found to have violated this Code of Conduct, the Associate Dean or the Disciplinary Board must find that the student committed the acts constituting the violation by a preponderance of the evidence.

I. TIME LIMITATION.

No complaint may be brought more than one hundred and eighty (180) days after the occurrence of the alleged violation or one hundred and eighty (180) days after the alleged violation should have reasonably been discovered by the Administration. If an individual has begun a proceeding under the Vermont Law School Honor Code, this time limitation shall be tolled during that proceeding.

J. THE POWER TO APPOINT ALTERNATES.

Should it become necessary at any time during proceedings under this Code, the President and Dean shall have the power to appoint alternates to serve either in the role of the Associate Dean or as members of the Disciplinary Board. The President of the Student Bar Association also has the power to appoint alternate students to serve on the Disciplinary Board.

K. NOTICE.

If written notice must be given to a student complained against, it shall be given by U.S. certified mail to the local address contained in the student's educational file. If there is no local address, notice will be sent by U.S. certified mail to the student's permanent address. Notice will be considered given on the date the notice is placed in the mail.

L. RECORDS.

Records of all complaints and proceedings for their resolution shall be retained by the President and Dean in a confidential file.

V. SANCTIONS.

Following the determination that the student complained against has violated one or more of the provisions of this Code of Conduct, the Associate Dean or the members of the Disciplinary Board shall recommend a sanction in accordance with the provisions below:

A. CLASS ONE SANCTIONS.

If the Associate Dean or the members of the Disciplinary Board conclude that the student has committed a serious violation of the Code of Conduct, the recommended sanction shall be suspension, expulsion, or that the President and Dean recommend to the Board of Trustees withdrawal of an awarded degree, unless there are substantially mitigating circumstances that warrant a lesser penalty as set out in the following paragraph.

B. CLASS TWO SANCTIONS.

If the Associate Dean or the members of the Disciplinary Board conclude that the student has committed a lesser violation of the Code of Conduct, the recommended sanction shall be such lesser penalty as is deemed appropriate, including, but not limited to a warning, a fine, restitution, community service, probation, reference to counseling, or notation in the student's permanent file, unless there are substantially aggravating circumstances that warrant a harsher penalty as set out in the

preceding paragraph.

C. NOTATION IN THE STUDENT'S OFFICIAL FILE.

If the student complained against receives either a Class One sanction or a Class Two sanction the fact of the violation and the sanction shall be noticed in the student's official file, unless the President and Dean decides otherwise.

D. NOTATION ON OFFICIAL TRANSCRIPT.

If the student complained against receives a Class One sanction, the fact of the violation and the sanction shall be noted on the student's official transcript.

ARTICLE VI. AMENDMENT.

This Code of Conduct may be amended at any time by the President and Dean after consultation with the Student Services Committee, the Vice Dean and the Associate Dean. Notice of amendments shall be given by posting on the official campus bulletin board, email, and through the campus mail.

POLICY AGAINST, SEXUAL HARASSMENT AND DISCRIMINATION

Adopted 10/28/94

Amended 6/7/06

Effective Date: 7/1/06 *This policy applies to all complaints of discrimination or harassment made on or after July 1, 2006. The existing Nondiscrimination Policy and Procedures and related provisions apply to complaints made before that date.*

1. This policy applies to all Vermont Law School (VLS) employees, officers, trustees, and students with regard to their actions in connection with the application or admissions process, educational activities, career services, employment, or other law school-related activities when those actions occur on VLS property or in the use of VLS facilities (including the computer network and telephone and email systems). This policy also applies when those actions occur off campus in connection with events sponsored by VLS or VLS-approved organizations, or in connection with official business undertaken for VLS, or in other circumstances where an action could have a significant impact on the educational or employment environment or the reputation or integrity of VLS, or could pose a threat to the safety or other interests of VLS or members of the VLS community. This policy also applies to the actions of VLS agents and contractors in the circumstances set forth in this paragraph to the extent that VLS can control their conduct.

Vermont Law School is committed to promoting an employment and educational environment free from unlawful harassment, sexual harassment, and discrimination. Unlawful harassment or discrimination on the basis of age, color, disability (including duty of reasonable accommodation), ethnicity, HIV positive status, national origin, place of birth, race, religion, sex/gender (including gender identity/expression), sexual orientation, or veteran status as defined by applicable law ("protected characteristics") is prohibited and will not be tolerated.

2. For the purposes of this policy, "unlawful harassment" is defined as verbal or physical conduct that on the basis of a protected characteristic has the purpose or effect, from the point of view of a reasonable person possessing that characteristic, either of interfering with an individual's employment or educational

performance or of creating an intimidating, hostile or offensive employment or educational environment. Unlawful harassment may include, but is not limited to, the following actions if, as isolated acts or as part of a pattern, they have the prohibited purpose or effect on employment or educational performance or environment: jokes, derogatory expressions, or comments; the display of graphics, cartoons, or objects; sending or forwarding electronic mail messages; and other conduct offensive to a reasonable person possessing a particular protected characteristic.

Sexual harassment is a particular type of unlawful harassment. In addition to conduct described in the preceding paragraph that is of a sexual nature, sexual harassment includes conduct that a reasonable person would judge to be unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct explicitly or implicitly affects employment or educational decisions concerning an individual, or when the conduct has the purpose or effect of substantially interfering with an employee's performance or a student's educational experience, or creating an intimidating, hostile or offensive employment or educational environment because of the employee's or student's gender.

Sexual harassment specifically includes

1. Statements or threats which imply a link between an individual's sexual conduct and his or her academic or employment status, advancement potential, salary treatment, grading treatment, participation in VLS programs or activities, or other employment or educational actions;
2. Basing an employment decision such as hiring, promotion, retention, or compensation, or an educational decision such as admission, a grade, or participation in any VLS program or activity, on whether an employee, a student, or an applicant submits to sexual advances.

Sexual harassment may occur regardless of the genders of the individuals involved.

In the establishment and enforcement of this policy against unlawful harassment, VLS recognizes and affirms that free, honest intellectual inquiry, debate, constructive dialogue, and the open exchange of ideas are essential to the law school's academic mission and must be respected even when the views expressed are unpopular or controversial. Respect for speech in all its forms is, therefore, an important element in the "reasonable person" standard to be used in judging whether harassment has occurred.

This policy is meant neither to proscribe nor to inhibit discussions or presentations of differing points of view, in or out of the classroom, concerning complex, controversial, or sensitive matters, including sex, sexual orientation, gender identity or expression, race, ethnicity, religious orientation, age, or physical ability, when in the judgment of a reasonable person possessing a particular protected characteristic, those discussions or presentations are conducted appropriately and with respect for the dignity of others. VLS also recognizes, however, that verbal conduct can be used specifically to intimidate or coerce and to inhibit genuine discourse, free inquiry, and learning. Such abuses are unacceptable. If someone believes that another's speech or writing is offensive, wrong, or hurtful, he or she is encouraged to express that judgment in the exercise of his or her own freedom of speech or to seek an appropriate remedy under the law school's procedures for enforcing this policy.

3. "Discrimination" is defined as making a decision or taking an action that affects the terms or conditions of a person's employment or education at VLS, or participation in or access to the benefits of any VLS program or activity, on the basis of a protected characteristic of that person.

4. Retaliation against any person for making a good faith complaint of unlawful harassment or discrimination or for having participated in an investigation of such a complaint is itself unlawful, is prohibited, and is a violation of this policy.
5. Complaints that this policy has been violated by an employee, officer, trustee, agent or contractor of Vermont Law School may be made under the law school's Procedures for Complaints of Unlawful Harassment, Sexual Harassment, or Discrimination by an Employee, Officer, Trustee, Agent or Contractor. Complaints that this policy has been violated by a student may be made under the Vermont Law School Code of Conduct.
6. While the Law School wishes to have the opportunity to address concerns or complaints of harassment or discrimination itself at the earliest opportunity, any person may also file complaints of harassment or discrimination with governmental agencies.

Students may contact the following agencies:

1. Vermont Human Rights Commission, 133 State Street, Montpelier, VT 05633-6301, (802) 828-2480.
2. United States Department of Education, Office of Civil Rights , Region One, 707 Post Office Square, Boston, MA 02109-4557, (617) 233-9662.

Employees may contact the following agencies:

1. Vermont Attorney General's Office, Civil Rights Unit, 109 State Street, Montpelier, Vermont 05602 (802) 828 3171.
2. Equal Employment Opportunity Commission, 1 Congress Street, Boston, Massachusetts 02114 (617) 565 3200.

Each of these agencies can conduct investigations, facilitate conciliation, and, if it finds that there are reasonable grounds to believe that unlawful has occurred, take the case to court.

7. If any person has questions or concerns regarding this policy, he or she should talk with the VLS Director of Human Resources, Vice President for Finance and Administration, or Vice Dean for Academic Affairs.

PROCEDURES FOR COMPLAINTS OF HARASSMENT, SEXUAL HARASSMENT, DISCRIMINATION, OR RETALIATION

Adopted 10/28/94

Amended 6/7/06

Effective date 7/1/06 *This policy applies to all complaints of discrimination or made on or after July 1, 2006. The existing Nondiscrimination Policy and Procedures and related provisions apply to complaints made before that date.*

- 1 Any person who experiences conduct by an employee, officer, trustee, agent, or contractor of Vermont Law School that is prohibited by the *Vermont Law School Policy against Harassment, Sexual Harassment and Discrimination*, or believes that he or she is being or has been subjected to any form of retaliation by a person covered by that policy or by the law school for having brought a good faith complaint, or having participated in an investigation of such a complaint, should immediately notify, orally or in writing, an employee's supervisor, the Director of Human Resources, any Dean or Vice President, or the President and Dean of the Law School (President and Dean).¹ Any supervisor or responsible employee having firsthand knowledge of any such conduct against another person, shall immediately make such a complaint. Complainants are encouraged, but not required, to inform the parties complained against that the behavior

at issue is offensive and must stop.

2. When a complaint is made, the complainant should be assured that it will be investigated promptly by the Law School, that appropriate corrective action will be taken, and that the complainant will not suffer retaliation as a result of making a good faith complaint of unlawful harassment, sexual harassment, discrimination or related retaliation. The person to whom a complaint has been made shall immediately inform the Vice Dean for Academic Affairs and transmit to the Vice Dean any written complaint or other material concerning the matter. The Vice Dean will either undertake the responsibilities set forth in paragraph 3 or will appoint a Vice President, Associate or Assistant Dean, or Director to undertake those responsibilities. If a complaint involves the Vice Dean, the person to whom it is made shall inform the President and Dean, who will appoint another dean or director to undertake those responsibilities. If a complaint involves the President and Dean or another officer or Trustee, the Vice Dean shall inform the Chair of the Board of Trustees, who will appoint a Trustee to undertake those responsibilities. If a complaint involves the Chair, the Vice Chair will appoint a Trustee to undertake those responsibilities. With the approval of the President and Dean, or the Chair or Vice Chair of the Board of Trustees if appropriate, a qualified individual from outside the Law School community may be appointed to undertake or assist in those responsibilities.
3. The Vice Dean, or a person appointed under paragraph 2, shall conduct an investigation in as confidential a manner as practical, with disclosure only on a need to know basis and/or as reasonably necessary to carry out the investigation and any remedial action. A complainant will be encouraged, though not required, to provide a written statement of the factual basis for the complaint and the complainant's request for remedial action (if any). If a written statement is provided by complainant, the investigator will give the person complained against an opportunity to submit a written response. Depending on the circumstances of a particular complaint, the investigator may take interim remedial action (or may recommend such action to an appropriate administrative officer) and may recommend and participate in voluntary alternative dispute resolution such as informal meetings or mediation sessions. In the case of a complaint against an employee, the investigator may take, or recommend to an appropriate administrative officer, final administrative or disciplinary action, up to and including termination of employment, in accordance with applicable provisions of §§ II.G and H of the *Vermont Law School Staff Handbook* (July 1, 2005) and § V.F of the *Vermont Law School Faculty Handbook* (December 2005). If a complaint involves the President and Dean, another officer or Trustee, or an agent or contractor of the Law School, the investigator shall make recommendations for action appropriate in the circumstances to the Chair or Vice Chair of the Board of Trustees, or to the administrative officer responsible for the relevant agency or contractual relationship
4. Vermont Law School is committed, and required by law, to take action when it learns of potential harassment or discrimination. The School will take all necessary steps to ensure that such a complaint is promptly investigated and addressed. Therefore, it is important that any such complaints or concerns be presented in a timely fashion. It is the primary responsibility of the person who feels harassed or discriminated against to bring these concerns to the Law School's attention, but employees and students are also encouraged, and supervisors and all other responsible employees are required, to report incidents or patterns of prohibited harassment or discrimination to appropriate Law School personnel.
5. Complaints that this policy has been violated by a student may be made under the Vermont Law School

SEXUAL ASSAULT POLICY, RESOURCES AND PROCEDURES

I. VLS SEXUAL ASSAULT POLICY

A. **Purpose**

Sexual assault is a crime. The purpose of this Sexual Assault Policy is to make clear that sexual assault, as defined herein, constitutes a violation of Vermont Law School Code of Conduct and to provide members of the VLS community who may have been sexually assaulted with information about reporting incidents of sexual assault, medical facilities, and available counseling.

B. **Definition**

Sexual assault is knowingly engaging in physical contact of a sexual nature with any person without the consent of that person. The gender and sexual orientation of the assailant and of the victim are not relevant for purposes of this definition. Impaired judgment because of the use of alcohol or other drugs is not a defense to a charge of sexual assault. Moreover, a person who is under the influence of alcohol or other drugs may not be able to give valid consent to sexual contact.

C. **Location**

The sexual assault policy applies to conduct on VLS property, at VLS sponsored events, including student group events. The policy also applies in other circumstances where the conduct could have a significant impact on the educational or employment environment or the reputation or integrity of VLS, or could pose a threat to the safety or other interests of VLS and its community. Further, because the Code of Conduct prohibits “any conduct that raises serious doubts about the student’s honesty, integrity, or fitness to practice law” VLS may in certain cases investigate and address any sexual assault charges against a law student, regardless of the circumstances of the assault.

D. **Reporting**

VLS strongly encourages any student or employee who has been the victim of sexual assault to contact local authorities. Reporting the crime does not obligate you to prosecute, but gives you the option to prosecute. Delayed reporting will diminish the possibility of collecting this evidence. Nevertheless, it is never too late to report an assault and seek support and medical attention.

E. **Confidentiality**

Although VLS will make every effort to maintain confidentiality with respect to reported sexual assault, this confidentiality is not absolute. Where criminal conduct has occurred, or where the health and/or safety of others in the community may be in danger, it may be necessary for VLS to take appropriate steps to protect the safety of its students and employees, including the person who has reported the assault. Please do not be discouraged to come forward: your reporting of a sexual incident may help prevent other assaults, and the information will be shared only with those in charge of protecting our community’s safety.

Subject to the foregoing, VLS will strive to maintain confidentiality in responding to a complaint of sexual assault, including inquiries regarding the investigation, the disciplinary process, and the final

outcome of any disciplinary proceeding – although, by law, both the accuser and the accused will be informed of the outcome of the disciplinary proceedings alleging a sexual assault or attempted sexual assault.

Communications with the Counseling Service are confidential medical and/or mental health communications, and will not be shared with others in the VLS community. Communications with medical providers are confidential communications. Reports or records maintained by VLS (including the Counseling Service records), and other confidential records may, however, be subject to subpoena if civil or criminal charges are filed in court.

F. Vermont Law School Disciplinary Sanctions

A student who violates the Sexual Assault Policy will be subject to disciplinary proceedings under the Vermont Law School Code of Conduct independently of whether legal proceedings involving the same incident are underway or anticipated. See Section IV of this document.

An employee of VLS who violates either the Standards of Professional Conduct or who violates the Sexual Assault Policy will be subject to disciplinary action up to and including the termination of employment. VLS will report any illegal conduct to the appropriate authority.

II. MATERIALS AVAILABLE REGARDING SEXUAL ASSAULT AND SEXUAL OFFENSES

Educational materials concerning rape, acquaintance rape, sexual assault, and sexual harassment are available from the SAssociate Dean for Student Affairs and Diversity. These materials are available for the purpose of creating awareness and prevention of sexual assault acts and to provide resources if you, a friend, or a relative become the victim of rape or sexual assault.

You can also obtain educational materials confidentially by contacting any the rape crisis centers listed in Section III (D) of this document.

III. RESOURCES FOR VICTIMS OF SEXUAL ASSAULT

A. ***Obtaining support:*** You are in control to decide whether you want to talk with somebody about the incident, and who do you want to talk with. The choice to report the crime to the police is also yours. If you are unsure about what to do immediately after a sexual assault, these are some of your options:

1. Call a rape-crisis hotline.

Safeline 1-800-639-7233

WISE (Women's Information Services) 603-448-5525

Safeline and WISE trained counselors are available 24 hours a day. They can who talk with you about your options, and they can accompany you through any or all stages of the process including going to the hospital and reporting to the police.

2. Go to a friend's house or any place where people can give you emotional support.
 3. Call the Associate Dean for Student Affairs and Diversity (802) 831-1333 or (802) 763-8935 (home).
- B. ***Obtaining Medical Attention*** It is important to seek medical attention, even if you do not have visible injuries.
1. Seeking medical attention immediately or shortly after an assault provides the most options in the prevention of pregnancy and sexually transmitted infections.
 2. You do not need to make a report or talk to the police in order to seek medical attention.
 3. **Gifford Medical Center** (728-4441) in Randolph and **Dartmouth- Hitchcock** (603-650-5000) in Lebanon are the only area hospitals that possess necessary medical tests for rape/sexual assault incidents.
 4. Do not bathe, shower, douche, brush your teeth, change your clothes or clean up before you obtain medical attention.
 5. You will need to bring a change of clothes with you, because your clothing will be collected as evidence,
 6. You can get evidence collected anonymously and have it kept for at least six months so you can decide whether filing a report with police is right for you.
- C. ***Obtaining Emergency Contraception.*** Emergency contraception (EC) can prevent pregnancy after unprotected vaginal intercourse. It is also called "morning-after" contraception, emergency birth control, or backup birth control. EC dramatically reduces the risk of pregnancy when started within 72 hours (3 days) after unprotected intercourse. It must be started prior to 120 hours (five days) in order to reduce the risk of pregnancy. The sooner it is started, the better. The hospital may provide this upon your visit. If they do not, or if you do not wish to go the hospital, EC is available over-the-counter at local pharmacies and drug stores.
- Pharmacies known to carry EC:

Rite Aid Pharmacy, Gifford Family Health Center, Route 107, Bethel
 Closed Saturday and Sunday (802) 234-5289

Walgreens Drug Store, 3 Airport Rd., W. Lebanon, NH (Exit 20 off I89S)
 Open 24 Hours a Day (603) 298-5796

- D. *Reporting the rape or assault.* As a legal adult, the decision of whether or not to report the crime is yours. See law enforcements numbers below:
1. State Police (Bethel office): (802) 234-9933
 2. South Royalton Police Department: (802) 763-7776 or 911.
 3. If you want assistance in making this report, see the Associate Dean for Student Affairs and Diversity who will be happy to talk with you about it, be there when you call, or accompany you in the discussion with the police, if you so choose.
- E. *Seeking counseling.*
1. VLS provides up to three free short-term confidential counseling services to Vermont Law students. For evaluation, consultation and/or referral, contact our Resident Counselor, Hill Anderson, LICSW 802-649-2317
 2. Alternatively, you may want to contact a community mental health center near you (Local Resources in the Student Handbook).
 3. Or you may prefer to use a specialized support line such as
 - a. Safeline..... 1-800-639-7233
 - b. WISE (Women’s Information Services).....603-448-5525
 - c. SafeSpace (for LGBTQQ survivors of violence) 1-866-869-7341
- F. *Get assistance from the Law School.*
1. For initial counseling and referral to counseling and legal reporting sources, and if, in the aftermath of rape or sexual assault, you are having difficulty concentrating on your work at school or effectively dealing with various aspects of your life, see the Associate Dean for Student Affairs and Diversity. The Law School may make reasonable accommodations to assist you, including assistance with changes in your academic schedule and/or living arrangements, should such changes be required. Depending on your needs, you may be eligible for academic accommodations such as leave of absence, reduced course load, or rescheduling of exams.
 2. If you feel close to another faculty or staff member at the Law School, talk to that person about what you are experiencing and what options may be available. They can assist you in completing a Sexual Assault Incident Report. You and/or that faculty or staff member (with your permission) can then consult with the Associate Dean for Student Affairs and Diversity.

IV. VERMONT LAW SCHOOL DISCIPLINARY ACTION

- A. Sexual assault is a violation of the Vermont Law School Code of Conduct. The Code applies to conduct:
 1. to students of VLS with regard to their actions in connection with the application and admissions process, educational activities, career services, employment, or other law school-related activities;
 2. to students of VLS with regard to their actions in connection with law school related activities when those actions occur on VLS property or in the use of VLS facilities (including the computer network, telephone, and email systems);
 3. when those actions occur off campus in connection with events sponsored by VLS or VLS approved organization, or in connection with official business undertaken for VLS or in other circumstances on campus or off campus, while classes are in session or during semester breaks;
 4. or in any circumstances where the reputation or policies of VLS would be involved or in other circumstances where an action could have a significant impact on the educational or employment environment or the reputation or integrity of VLS.
- B. A person who believes she or he has been a victim of rape, acquaintance rape, or other sexual offenses, forcible or nonforcible, by another member of the Law School community, may, in addition to any other available legal remedy, bring Code of Conduct violation charges against that individual.
- C. The procedural rules to be followed are detailed in Article IV of the Code of Conduct, except as follows:
 1. The Associate Dean for Student Affairs and Diversity will meet with the alleged victim, who will make a written or oral complaint describing the assault. The statement should include the date of the alleged assault, the name of the accused, and should describe the circumstances of the alleged assault. The victim should also identify any witnesses who may have knowledge of the circumstances.
 2. The accused may provide the Associate Dean for Student Affairs and Diversity with a written response to the allegations, including any information he/she believes is appropriate, including his/her understanding of the incident(s) at issue and the identity of any witnesses known to the accused.
 3. The Associate Dean for Student Affairs and Diversity will conduct a probable cause investigation into the incident and may interview the parties and any witnesses to the incident.

4. If the Associate Dean does not dismiss the complaint and finds probable cause that the facts alleged, if true, would establish a violation of the Code of Conduct, the Associate Dean shall appoint a preliminary investigator to conduct a preliminary investigation into the facts and submit a written report.
 5. If, at the conclusion of the preliminary investigation, the Associate Dean for Student Affairs and Diversity finds reasonable grounds to believe that a sexual assault has occurred, the Associate Dean for Student Affairs and Diversity shall refer the matter for the formal process described in Article IV.F of the Code of Conduct.
 6. If, at the conclusion of the preliminary investigation, the Associate Dean for Student Affairs and Diversity finds that there are reasonable grounds to believe that a violation of the Code of Conduct other than sexual assault has occurred (such as but not limited to sexual harassment, lewd conduct, verbal abuse or disruptive behavior), the Associate Dean for Student Affairs and Diversity shall have discretion to determine whether the complaint is to be resolved by mediation, informal resolution, informal process or formal process, as provided in sections II C, D, E and F of the Code of Conduct, respectively.
 7. The Associate Dean for Student Affairs and Diversity shall report his or her decision to the alleged victim and the accused.
- D. A violation of the Sexual Assault Policy will be subject to Class One sanctions. Class One sanctions include but are not limited to suspension, expulsion or withdrawal of an awarded degree.

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