

VERMONT LAW SCHOOL

ANNUAL SECURITY REPORT 2019

Report prepared by:

Lorraine Atwood, Vice President for Finance
Shirley Jefferson, Associate Dean for Student Affairs and Diversity
Stephanie Chiarella, Executive Assistant

October 1, 2019

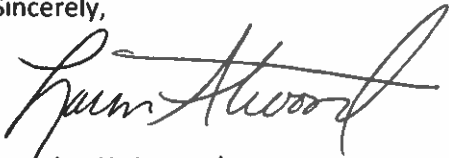
Members of the Vermont Law School Community:

Vermont Law School (VLS) endeavors to provide a safe environment for students, faculty, staff, and visitors to study, work, and recreate. Vermont Law School's security is a shared responsibility.

This report covers the most recent safety and security policies, procedures, and services provided on the Vermont Law School campus as of October 1, 2019. It contains campus and area crime statistics for calendar years 2018, 2017, and 2016 and highlights programs to educate the law school community about safety.

If you have any questions, concerns, or recommendations about this report or about the safety and the emergency preparedness of Vermont Law School in general, please contact me directly at 802-831-1204 or latwood@vermontlaw.edu.

Sincerely,

A handwritten signature in black ink, appearing to read "Lorraine H. Atwood". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Lorraine H. Atwood
Vice President for Finance
Vermont Law School

I. INTRODUCTION

A. Vermont Law School Location and Mission

Vermont Law school (VLS) is located in the heart of South Royalton, Vermont. VLS is an independent, nationally recognized law school that is top-ranked in environmental law and other areas. VLS is committed to developing a generation of leaders who use the power of the law to make a difference in our communities and the world.

B. Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

The Vice President for Finance prepares and distributes this Annual Security Report (the Report). The Report serves several purposes:

- Complies with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act 20 USC 1092(f) (Clery Act);
- Explains how the law school reports, investigates, and responds to crime and emergencies on or near law school property;
- Informs the law school community of the safety and security resources available to respond to emergencies; and
- Provides other safety and security information to the law school community.

C. Procedures for Preparing and Distributing the Annual Security Report

In compliance with the Clery Act, the Report is published and released on October 1 of each year. The Report includes a Crime Statistics Report, compiled by the Vice President for Finance and the Associate Dean of Student Affairs and Diversity, using crime definitions found in the U.S. Department of Education's *Handbook for Campus Safety and Security Reporting* and the *FBI Uniform Crime Reporting Handbook*. The Crime Statistics Report includes statistics for the three most recent calendar years. It includes crimes that occurred:

- *On campus* in any building or property owned or controlled by the law school within the same reasonably contiguous geographic area and used by Vermont Law School in direct support of, or in a manner related to, the law school's educational purposes;
- *On public property*, meaning all public property, including thoroughfares, streets, sidewalks, and parking facilities that are within the campus or immediately adjacent to and accessible from the campus; and
- On any *non-campus* properties owned by Vermont Law School that are reported to a campus security authority, as defined in the Clery Act, or to local police agencies.

A pdf version of the Annual Security Report can be viewed or printed from Vermont Law School's website <http://www.vermontlaw.edu/resources/campus-safety>. In addition to publication on the VLS website, the Report is emailed to VLS students and employees on October 1. If the Report undergoes edits during the year, students and employees are informed of the update(s) via email. VLS Community members should contact the Vice President for Finance or the Associate Dean for Student Affairs and Diversity for questions relating to this Report.

II. CAMPUS SAFETY and SECURITY TEAMS AND RESOURCES

Vermont Law School does not have any individual, office, or campus police whose primary responsibility is safety and security. The task is shared by a number of groups and individuals.

A. VLS Leadership Team

The Leadership Team is a group of VLS administrators whose primary responsibility is to make decisions in the event of an emergency. These administrators include the law school's:

President and Dean
Vice President for Finance
Vice Dean for Faculty
Vice Dean for Students
Associate Dean for Student Affairs and Diversity
Human Resources Director
Emergency Management Director

B. VLS Notification Team

The Notification Team is a group of administrators whose primary function is to notify the community of emergencies. They are trained annually on notification procedures, protocols, and all announcement systems.

C. VLS Emergency Response Team

Members of the Emergency Response Team represent on-campus departments and buildings and are instrumental in coordinating responses to various emergencies. Each person on the team has a designated back-up person, who may be called on to participate depending on the nature of the emergency.

D. VLS Communications Team

The Communications Team is a small group of staff whose primary responsibility is communicating with the VLS community, the alumni if and when appropriate, and the broader community in the event of an emergency or incident.

E. VLS Threat Assessment Management (TAM) Team

The TAM Team is a group of administrators, faculty, and staff, appointed by the Vice Dean for Students, who meet regularly to address individuals or situations that might require action or attention.

F. Counseling Services

Vermont Law School contracts with the Clara Martin Center to provide on-campus, walk-in counseling services. The dates and times of these on-campus services vary from semester-to-semester and are circulated to the VLS Community via email on a regular basis. Consultations, evaluations, referrals, and appointments, whether on-campus or off, can be scheduled by calling the Clara Martin Center directly at 802-728-4466 or the Center's 24-hour emergency services line at 800-639-6360.

G. Mental Health Manager

Vermont Law School employs a half-time Mental Health Services Manager to instruct and certify students, faculty, and staff in Mental Health First Aid, advise the student Mental Health Committee, orchestrate community events, oversee counseling services provided by the Clara Martin Center, and facilitate needs for students seeking mental health treatment.

H. Law Enforcement

In addition to being listed on the VLS website and in all on-campus buildings, contact information for local and state law enforcement is provided below:

Royalton Police Department

Emergency Phone:	9-1-1
Mailing Address:	PO Box 44 South Royalton, VT 05068
Physical Address:	2460 VT Route 14 South Royalton, VT 05068
Non-Emergency Phone:	802-763-7776
Royalton Dispatch Phone:	802-234-9933
Fax:	802-763-7711
Royalton Police Chief:	Loretta Stalnaker
Royalton Police Officer:	Gary Rogler

Vermont State Police (Royalton, VT Barracks)

Emergency Phone:	9-1-1-
Address:	2011 VT RT 107 Bethel, VT 05032
Telephone:	802-234-9933
Fax:	802-234-6520

Royalton Office Station Commander: Lieutenant Barbara Kessler

Members of local law enforcement come routinely to campus to speak at events including, but not limited to student orientations, etc.

I. Disseminating Campus Safety and Security Information

New students and employees are informed about safety and security issues at orientations; in staff, faculty, and Student Bar Association meetings; and, when appropriate, during classes. The VLS website's Campus Safety link <http://www.vermontlaw.edu/resources/campus-safety> hosts campus safety information, safety tips, helpful phone numbers, and other useful links. The Student, Staff, and Faculty Handbooks also provide safety, security, and emergency information. Various members of the Leadership Team conduct emergency preparedness trainings to groups of students, faculty, and staff annually.

Throughout the year, presentations and trainings for the VLS community are arranged on topics such as sexual assault, work place violence, alcohol-related issues, mental health first aid, and security and safety matters. These presentations and programs are promoted through VLS email, flyers and posters, and via the law school's electronic message board. The Vice President for Finance, the Associate Dean for Student Affairs and Diversity, the Vice Dean for Faculty, the Vice Dean for Students, and/or the Emergency Management Director are always available to schedule individual or group safety presentations or to provide assistance in addressing specific issues.

The Office for Student Affairs and Diversity maintains a Campus Safety bulletin board located in the lower entry (parking lot level) of Oakes Hall.

Members of the Leadership Team meet with various law school groups, organizations, and departments throughout the year to address safety and security issues and aim to take proactive responses to the issues presented.

III. REPORTING CRIMES AND EMERGENCIES

A. How to Report Criminal Activity and Other Emergencies

Every member of the Vermont Law School community is encouraged to take an active role in reporting hazardous conditions, criminal activity, or any emergency in an accurate and timely manner. Conditions, activity, and incidents can be reported to any member of the Leadership Team or to local law enforcement.

During business hours, if an immediate response is needed and a student or employee is unsure of whom to call, that person should call the law school's emergency response phone number, VLS Campus Safety Line, at 802-831-1100. The individual that answers the call will contact the Leadership Team, the fire department, an ambulance, or the police, etc. as appropriate. The Leadership Team will initiate notifications to the law school community as deemed appropriate (see section VI. of the Report).

Important and Helpful Phone Numbers

On-Campus (during business hours):

IN AN EMERGENCY:	9-1-1
VLS Campus Safety Line:	802-831-1100 (business hours only)
General Switchboard:	802-831-1000
Buildings and Grounds:	802-831-1260
Information Technology Help Desk:	802-831-1355
Walking or Vehicle Safety Escorts:	802-831-1441

Leadership Team (during business hours):

President and Dean:	802-831-1237
Vice President for Finance	802-831-1204
Vice Dean for Faculty:	802-821-1444
Vice Dean for Students:	802-831-1004
Associate Dean for Student Affairs:	802-831-1333
Human Resources Director:	802-831-1225
Emergency Management Director:	802-831-1277

On-and Off Campus Emergencies (during business hours and after hours)

IN AN EMERGENCY:	9-1-1
Royalton Police:	802-763-7776
VT State Police:	802-234-9933
Poison Control Center:	800-222-1222
Clara Martin Center (24-hour):	800-639-6360
Dept. of Disabilities:	802-241-2401

B. Reporting Crimes for Inclusion in this Report

Crimes should be reported to any member of the Leadership Team to aid in providing timely campus safety notifications and to ensure inclusion in the Crime Statistics Report.

VLS does not require its professional counselors to report to VLS administration about crimes reported to such professional counselors while functioning in that manner, and any such reports are not included in the law school's Annual Security Report nor in the web-based report submitted to the Department of Education. Professional counselors are defined as individuals

whose official responsibilities include providing mental health counseling to members of the VLS community and who are functioning within the scope of their license or certification, whether employed by or under contract with VLS. VLS does not have procedures that encourage professional counselors to inform those they counsel of procedures for reporting crimes voluntarily and confidentially for inclusion in the law school's Annual Security Report and web-based report to the Department of Education. VLS does not have any affiliations with pastoral counselors.

IV. EMERGENCY AND CRIME REPORTING AND NOTIFICATION PROCEDURES

General information about emergency response procedures for Vermont Law School is publicized on the VLS website <http://www.vermontlaw.edu/resources/campus-safety>.

A. Accurate and Prompt Reporting of Emergencies and Crimes to the Appropriate Agencies

The Leadership Team maintains a close working relationship with the Vermont State Police, Royalton Police Department, surrounding policing agencies, and the South Royalton Fire Department. Students, faculty, staff, and guests are encouraged to report crimes and public safety-related incidents to any member of the Leadership Team. If the crime or emergency is reported and assistance is required of the local authorities any member of the Leadership Team will contact the appropriate department. When necessary, the law school's Emergency Response Team will be notified. Students, faculty, staff, and guests are also encouraged to report crimes and public safety-related incidents directly to law enforcement.

Members of the Leadership Team do not have law enforcement authority. VLS does not have written agreements or memoranda of understanding with law enforcement or public safety officers.

B. Timely Warning Notifications and Response Procedures

Members of the Leadership Team have the responsibility of responding to and summoning the necessary resources to mitigate, investigate, and document situations that may cause a significant emergency or dangerous situation to the health and safety of students and employees on campus. In addition, the Leadership Team has the responsibility to respond to such incidents to determine if the situation does, in fact, pose a threat to the community. If that is the case, federal law requires that the institution immediately notify the campus community or the appropriate segments of the community that may be affected by the situation. Once the Leadership confirms that an emergency or dangerous situation poses an immediate threat to the health or safety to some or all members of the VLS community, then they will collaborate with the VLS Notification and Communications Teams as necessary. They will determine the content of the message(s) to the VLS community or to the appropriate segment(s) of the community if the threat is limited to a particular building or segment of the population. These methods of communication include network emails, text messages, and VLS intercom systems.

The decision to issue a campus safety notification is made on a case-by-case basis considering the validity of the information about the emergency or crime reported, the facts surrounding the circumstances, the nature of the emergency, continuing danger to the campus community, and risk of compromising law enforcement efforts. Cases of aggravated assault and sex offenses are considered on a case-by-case basis depending on the facts of the case and the information known to the Leadership Team. For example, if an aggravated assault occurs between two

students who have a disagreement, there may be no ongoing threat to other members of the law school community; therefore, a campus safety notice would not be disseminated. Sexual assaults are considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the Leadership Team.

The law school does not provide timely warnings or notification about crimes reported to a pastoral or professional counselor.

VLS will not include identifying information about victims when issuing timely warnings or emergency notifications.

V. CAMPUS FACILITIES AND SAFETY

A. Buildings and Access

Academic buildings are locked at 9:00 p.m. and are reopened and unlocked prior to the beginning of classes the next day except for Saturdays, Sundays, and holidays. Some buildings are 24-hour accessible (Library, Chase Community Center, Chase Computer Lab, and the Fitness Center) but, for increased safety and security, only by operate on an electric keycard access management system

B. Security Considerations Used in Campus Facility Maintenance

Safety and security issues are considered and implemented in the design and placement of all campus lighting, shrubbery, trees, and the like. Also, safety and security issues are considered when planning and designing major renovations to campus facilities or construction of new facilities on campus. Safety and security maintenance requests receive priority over non-safety and non-emergency work orders. Buildings and Grounds maintenance personnel are expected to report promptly any safety and security maintenance issues when discovered.

VI. FIRE SAFETY

A. Fire Safety Rules

- Students and employees are prohibited from keeping or using firearms, fireworks, explosives, weapons (including but not limited to knives, pellet guns, air guns, spring-loaded or paintball guns), or other dangerous articles or substances.
- Activating a false fire alarm is strictly prohibited.
- Students and employees are not to tamper with or remove any fire or safety equipment, including but not limited to, smoke detectors, sprinkler systems, fire extinguishers, etc.
- Students and employees must vacate the building whenever the fire alarm system is activated.
- Smoking is prohibited inside all VLS buildings. The law school's designated smoking area is located outside, centrally located, more than fifty feet from any campus building, and equipped with the proper cigarette butt depositories.

B. Preparedness and Steps to Take in the Event of a Fire

- Know what the fire alarm sounds like.
- Know where pull stations are located.
- When you see a fire, sound the alarm.
- Call 911 to report a fire.

- Call Buildings and Grounds at 802-831-1260 to report any fire.
- Be prepared to identify the size of the fire and location. Each building at VLS has a specific 911 address. These addresses are listed in the Student, Staff, and Faculty Handbooks, are posted throughout campus, and found on the VLS (portal) website under Campus Safety link.
- Exit buildings as safely and quickly as possible from the nearest exit (in any building you should know where at least two exits are).
- Close all doors behind you as you leave the building.
- Do not use elevators for any reason.
- If one is physically challenged, develop a buddy plan with someone else to help expedite safe exit.
- Notify others in the immediate area about the fire as you are leaving.
- Do not enter a building that is on fire or that the fire alarm is sounding in

C. Fire Safety Definitions

- *Fire*: Any occurrence of an open flame or other type of burning in any area not intended to contain burning in an uncontrolled manner.
- *False Alarm*: System malfunctions or trouble alarm, or the fire alarm was activated intentionally when no smoke or fire danger was present. Subsequently, no injuries, damages, or fatalities occurred.
- *Unwanted Alarm*: The fire alarm system activated as it was designed to; however, no smoke or fire was present. Subsequently, no injuries, damages, or fatalities occurred.

VII. SECURE THE SCHOOL/CAMPUS LOCK DOWNS

An order to “secure the school” will be given when an immediate threat to the students, staff, and faculty, such as an armed intruder, indicates that it is safer to remain in a secure room than anywhere else on campus. Locking down the campus minimizes access to classrooms, offices, and other areas. As part of this procedure, everyone must remain in the room until the situation has been declared safe by an authorized official.

A. Preparedness and Steps to Take in the Event of a Secure the School/Lockdown

- Move to secure rooms (classrooms, offices, conference rooms, etc.).
- Lock the doors.
- If possible, help to clear hallways and other open spaces.
- Once rooms are locked:
 - Turn off all lights and electrical devices.
 - Put all mobile phones to silent mode.
 - Close all window shades or blinds.
 - Stay away from windows and door.
 - Remain quiet.
- Do not evacuate a building if the fire alarm is sounded.
- Do not respond to anyone at a door or window until an “all clear” has been announced.
- If you are off campus during a lockdown, do not come to campus.
- If you have relevant and first-hand knowledge about the location of an intruder and if it is safe, use your phone or mobile phone to call 911.

VIII. TESTING EMERGENCY RESPONSE PROCEDURES

Drills are coordinated annually and therefore, the emergency response, secure the school, and evacuation procedures are tested at least once a year. Decisions regarding designated locations for long-term evacuations or lockdowns are affected by the availability of designated emergency gathering locations on campus as well as other facts such as the location and nature of the threat.

The purpose of drills is to prepare building occupants for an organized evacuation or lockdown in case of an emergency. At VLS, drills are used as a way to educate and train occupants on issues specific to their building. During the drill, occupants familiarize themselves with the location of exits, the sound of alarms, the sound of announcements, and the direction they should or should not travel upon exiting or entering a building. The process also provides the law school with an opportunity to test the operation of the fire alarm system components and the law school's announcement and intercom systems.

Drills are monitored by various members of the Leadership Team to evaluate egress and equipment issues. Post-drill debrief sessions are held to identify deficient equipment so that repairs can be made immediately. Recommendations for improvements are also submitted to the appropriate departments and offices for consideration.

IX. INCIDENT REPORT AND CRIME LOG

The law school's Campus Incident Report Log (the Log) is maintained by Deans' Suite personnel and is housed on the second floor of Debevoise Hall in Suite 203. Any VLS community member may view the Log upon request. These requests are to be directed to the Vice Dean for Finance or the Associate Dean for Student Affairs and Diversity. The Log lists reported crimes and incidents that occurred on-campus. Entries include the nature, date, time, and general location of each incident and the disposition of the complaint, if known. This information is updated unless such disclosure is prohibited by law or would jeopardize the confidential identity of the victim. VLS will not include identifying information about victims in the Log. The law school may withhold information from the Log if the release of the information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence. Once the adverse effect described above is no longer likely to occur, the law school will disclose all withheld information in the Log.

X. DRUG AND ALCOHOL POLICIES

A. VLS Alcohol Policy

Vermont Law School's *Alcohol Policy* is congruent with Vermont State law, local regulations, and the mission of Vermont Law School and is promulgated to assure the appropriate distribution and consumption of alcoholic beverages at campus events. The administration and interpretation of the *Alcohol Policy* ultimately rests with the Dean or the Dean's designee who, in this instance, are the Vice President for Finance, the Associate Dean for Student Affairs and Diversity, the Vice Dean for Students, and the Vice Dean for Faculty. The complete *VLS Alcohol Policy* (last amended on September 13, 2016) may be found in the *2019-2020 VLS Student Handbook* on page 126. The complete policy is also listed under Appendix A of this Report.

B. Program for the Elimination of Alcohol and Substance Abuse

The Federal Drug-Free Schools and Communities Act Amendments of 1989 require that Vermont Law School implement a program for the elimination of alcohol and substance abuse. The

complete details of the program, legal sanctions, drug use and the ineligibility for federal financial aid, health risks, and the effects of controlled substances can be found within the law school's *Alcohol Policy* in the *2019-2020 VLS Student Handbook* on page 128; Appendix A of this Report.

Vermont Law School provides a meeting space, free of charge, for weekly Alcoholics Anonymous meetings.

C. Safe Ride

Safe Ride is a transportation service managed by VLS student ambassadors. Safe Ride provides transportation to VLS community members to and from law school-related events. Safe Ride can be reached at 802-299-1116 or 802-299-1117.

XI. VLS SEXUAL MISCONDUCT, DOMESTIC VIOLENCE, DATING VIOLENCE, and STALKING POLICY

Sexual misconduct, domestic violence, dating violence and stalking violate Vermont Law School's *Code of Conduct* and often constitute a crime. The purpose of the law school's *Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking Policy* is to make clear that sexual misconduct, domestic violence, dating violence, and stalking, as defined herein, violate Vermont Law School's *Code of Conduct*. The policy also provides members of the VLS community who may have been subject to conduct that violates the policy with information about reporting incidents of prohibited conduct and available resources. The law school's complete policy, resources, and procedures can be found in *2019-2020 VLS Student Handbook* on page 112 and in Appendix B of this Report.

XII. TITLE IX

Pursuant to Title IX of the Education Amendments of 1972 and the U.S. Department of Education's implementing regulations 34 C.F.R. Part 106, the law school's Title IX coordinators have primary responsibility for coordinating the law school's efforts to comply with and carry out its responsibilities under Title IX, which include the law school's efforts to respond to reports of sexual misconduct. The functions and responsibilities of the Title IX Coordinator and Deputy Coordinator are provided on page 123 of the *2019-2020 VLS Student Handbook* as an addendum to the law school's *Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking*. These functions are also available for review in Appendix B of this Report.

Title IX Coordinator: Shirley Jefferson, Assoc. Dean for Student Affairs & Diversity
Title IX Deputy Coordinator: Kimberly Harris, Director of Human Resources

XIII. CAMPUS SEX CRIMES PREVENTION ACT NOTIFICATION

State law mandates that the Vermont Department of Public Safety maintain a sex offender database and website on the internet that is accessible to the public. Members of the Vermont Law School community may contact the Vermont Department of Public Safety's Sex Offender Registry website for information concerning registered sex offenders <https://vcic.vermont.gov/sor>.

**VERMONT LAW SCHOOL
CRIME STATISTICS REPORT
2019**

Definitions Listed in the Crime Statistics Report

The following definitions used for reporting crimes in the attached crime statistics charts. Under the Clery Act, criminal offense, hate crime, arrest, and disciplinary statistics must be based on definitions provided by the Federal Bureau of Investigation (FBI) Uniform Crime Reporting (UCR) Program. The definitions below are sourced from:

- *Summary Reporting System (SRS) User Manual* from the FBI USR Program
- *FBI's National Incident-Based Reporting System (NIBRS) Data Collection Guidelines*
- U.S. Department of Education's *Handbook for Campus Safety and Security Report 2016 Edition*
- U.S. Department of Education Office of Postsecondary Education *User's Guide for the Campus Safety and Security Web-Based Data Collection*

Aggravated Assault – Any unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Arrests – Persons processed by arrest, citation, or summons.

Arson – Any willful or malicious burning, or attempt to burn, with or without intent to defraud, a dwelling house, public house, motor vehicle or aircraft, personal property of another, etc.

Burglary – The unlawful entry of a structure to commit a felony or theft.

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.

Domestic Violence – A felony or misdemeanor crime of violence committed –

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- 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.

Drug Law Violation – The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution and sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those related to the unlawful possession, sale, use, growth, and manufacture of narcotic drugs. Relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine), marijuana, synthetic narcotics – manufactured narcotics which can cause true addiction (Demerol, methadone), and dangerous non-narcotic drugs (barbiturates, Benzedrine).

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.

Hate Crime – A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Although there are many possible categories of bias, under the Clery Act, only the following eight categories are reported: race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and disability.

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

Liquor Law Violation – Violation of the state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

Manslaughter by Negligence – The killing of another person through gross negligence.

Motor Vehicle Theft – The theft or attempted theft of a motor vehicle.

Murder and Non-Negligent Manslaughter – The willful (non-negligent) killing of one human being by another.

Rape – The carnal knowledge of a person, forcibly and/or against that person's will, or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity or because of his/her youth.

Referral for Disciplinary Action – The referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction.

Robbery – The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Sexual Assault (Sex Offenses) – Any sexual act directed against another person, forcibly and/or against that person's will, or not forcibly or against the person's will where the victim is incapable of giving consent.

Stalking – Engaging in a course of directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

Statutory Rape – Sexual intercourse with a person under the statutory age of consent.

Unfounded Crime – A crime is considered unfounded for Clery Act purposes only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless, meaning that the crime did not occur or was never attempted.

Crime Statistics Sourcing

In addition to the law school's Campus Incident Report Log, the administration corresponds with local law enforcement to obtain the data reported below:

CRIMINAL OFFENSES REPORTING TABLE				
OFFENSE	YEAR	ON-CAMPUS PROPERTY	NON CAMPUS PROPERTY	PUBLIC PROPERTY
Murder/Non-Negligent Manslaughter	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
Manslaughter by Negligence	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
Rape	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
Fondling	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
Incest	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
Statutory Rape	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
Robbery	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
Aggravated Assault	2018	1	0	2
	2017	0	0	0
	2016	0	0	0
Burglary	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
Motor Vehicle Theft	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
Arson	2018	0	0	0
	2017	0	0	0
	2016	0	0	0

VAWA OFFENSES REPORTING TABLE				
OFFENSE	YEAR	ON-CAMPUS PROPERTY	NON CAMPUS PROPERTY	PUBLIC PROPERTY
Domestic Violence	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
Dating Violence	2018	0	0	3
	2017	0	0	0
	2016	0	0	0
Stalking	2018	0	0	0
	2017	0	0	0
	2016	0	0	0

ARRESTS AND DISCIPLINARY ACTIONS/REFERRALS				
OFFENSE	YEAR	ON-CAMPUS PROPERTY	NON CAMPUS PROPERTY	PUBLIC PROPERTY
Arrests: Weapons: Carrying, possessing, etc.	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
Disciplinary Actions: Weapons: Carrying, possession, etc.	2018	0	0	0
	2017	0	0	0
	2016	3	0	0
Arrests: Drug Abuse Violations	2018	0	0	0
	2017	0	0	0
	2016	0	0	0
Disciplinary Actions: Drug Abuse Violations	2018	0	0	0
	2017	2	0	0
	2016	4	0	0
Arrests: Liquor Law Violations	2018	0	0	0
	2017	1	0	1
	2016	0	0	0
Disciplinary Actions: Liquor Law Violations	2018	0	0	0
	2017	2	0	0
	2016	1	0	0

HATE CRIMES REPORTING TABLE	
There were no reported Hate Crimes for the years 2016, 2017, or 2018.	

UNFOUNDED CRIMES REPORTING TABLE				
	YEAR	ON-CAMPUS PROPERTY	NON CAMPUS PROPERTY	PUBLIC PROPERTY
Unfounded Crimes	2018	0	0	0
	2017	0	0	0
	2016	0	0	0

APPENDIX A

ALCOHOL POLICY

Amended 4/14/2010

Amended 9/13/16

I. Introduction

Vermont Law School's Alcohol Policy is congruent with Vermont State Law, local regulations, and the Mission of Vermont Law School, and is promulgated to assure the appropriate distribution and consumption of alcoholic beverages on the campus. The administration and interpretation of the Alcohol Policy ultimately rests with the Dean or designee, who in this instance, are the Deans.

II. Alcohol and Substance Abuse

Any student who feels he or she may have a problem with alcohol or drugs is encouraged to contact the VLS Counselor or the Associate Dean for Student Affairs and Diversity for a discussion of options. The Vermont Lawyers Assistance Program (VTLAP) provides confidential assistance to law students, lawyers, judges and their families in coping with alcoholism and other addictions, depression, or other personal or professional crisis. VTLAP is exempt from reporting professional misconduct under Rule 8.3. Information between VTLAP volunteers, and a lawyer, judge or law student who seeks assistance, is strictly confidential and will not be disclosed except upon express authority of the affected person. For more information, please see their website www.lapvt.org.

The Student Bar Association and/or the Student Ambassadors maintain a SafeRide program on Thursday, Friday and Saturday nights from 10pm to 3am. The SafeRide cell phone numbers are 802-299-1117 and 802-299-1116. SafeRide volunteers will pick students, staff, or faculty up from any location in South Royalton and take them to Bethel, Randolph, Royalton, South Royalton, and Tunbridge. If there is any doubt in your mind that you have had too much to drink, please call SafeRide at 802-299-1117 or 802-299-1116. No questions will be asked or judgments made, no records will be kept, and you will be taken home safely.

Students are responsible for informing themselves on the character and fitness requirements of the bar in the state or states they intend to practice. Vermont Law School is required to certify a student's character and fitness for the bar. 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 parking violation or parking ticket.

Students who attend classes, meetings, or any function hosted by VLS or any event funded by the SBA while intoxicated will be asked to leave by the professor or event sponsor. If the student resists, the professor or event organizer shall call the Associate Dean for Student Affairs or the local police at 763-7776 or 911. If the student is disruptive or violent, the Associate Dean or Campus Security will take the appropriate steps, including calling law enforcement for assistance. If the student is disruptive or violent, the incident will be investigated as a violation of the Code of Conduct and sanctions may be imposed.

III. Alcohol on Campus

A. Basic Regulations

- (1) Consumption of alcoholic beverages on Vermont Law School property is a privilege accorded under specified conditions to individuals of legal age according to Vermont Law School.
- (2) Recognizing that not all individuals may choose to consume alcoholic beverages and recognizing the social emphasis of all events, any function providing an alcoholic beverage must also provide two non-alcoholic beverages.
- (3) The sponsoring individual or organization must furnish information concerning the program, facility arrangements, food service needs, and the type and amount of beverages to be served, as directed on the Student Organization Event Form and Alcohol Planning Document. Forms are available in the Dean's Office or on the K drive under <http://vermontlaw.edu/events>.
- (4) All recognized organizations and sponsors of registered social events are prohibited from providing alcohol to minors. Consistent with, and related to this restriction, the serving of kegs, beerballs, and alcoholic punch drinks/wine may only be served by our Food Services Director, a licensed caterer.
- (5) Any event which includes alcohol as part of its program should focus as much as possible upon the social nature of the event in its promotional campaign and not over emphasize the sale or availability of alcohol beverages at social events.
- (6) The safe occupancy level of the approved space must be determined and steps taken to insure compliance with the fire safety code of VLS and the state of Vermont.
- (7) No alcohol may be carried into or consumed in campus buildings, including outdoor areas at recreational events, (See Section I(A)(1) above) with the exception of approved designated areas, without the submission and approval of the Alcohol Event Planning Document and Student Organization Event Form.
- (8) Scheduled events must remain within the approved designated area (see Section III(C) for further requirements).
- (9) A charge of no less than \$100 will be billed to the organization/individual sponsoring an event if the facility used is not properly cleaned within eight hours after the function has ended.

IV. Organized Private Parties

- A. Organized private parties are considered events that involve an approved number of invited guests and have alcohol being served by the sponsors within an approved area in a manner consistent with applicable laws.
- B. Alcohol may not be sold under any conditions at private parties.
- C. The events require the submission and approval of the Alcohol Planning Document six (6) weeks prior to the event.

V. Campus-Wide, Licensed Events

- A. The sponsoring organization/individual must complete and have approved the Student Organization Event Form and Alcohol Planning Event Document at least six (6) weeks prior to the event. These forms are available from the Deans Office. Completion of the form indicates an understanding of the Alcohol Policy, and a responsibility to fulfill the regulations therein.
- B. The sponsoring organization or individuals must assume financial responsibility for all associated cost (*i.e.*, security, damages, etc.)
- C. The sponsoring organization or individuals must post easily visible signs that read "No alcohol beyond this point" to ensure that no alcohol may be carried into or consumed in campus

buildings, including outdoor areas at recreational events, outside of the approved designated areas (see I(A)(7), (8) above).

VI. Responsibility and Liability

For any party or other event, the persons who sign the required application or registration forms are responsible for the safe conduct of the event. Staff persons involved in clearance procedures are responsible for ensuring that the event is conducted in a safe and acceptable fashion and for monitoring the event for the general safety of the participants. Situations determined to be in non-compliance with regulations of the Alcohol Policy may be immediately suspended by appropriate VLS staff. Responsibility for any adverse consequences that may occur as the result of a party or other event may implicate any person or group involved with that event, in particular, those planning and monitoring its outcome. Any violation of this policy shall be reported to the appropriate Dean.

PROGRAM FOR THE ELIMINATION OF ALCOHOL AND SUBSTANCE ABUSE

The Federal Drug-Free Schools and Communities Act Amendments of 1989, requires that Vermont Law School implement a program for the elimination of drug and alcohol abuse. The federal law mandates that "...as a condition of receiving funds or any other form of financial assistance under any Federal program [including aid funds], an institution of higher education must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees" on the Law School property or at school-sponsored activities. At a minimum, the law specifically requires that our program include:

1. Annual distribution in writing to each employee and student of:
 - Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use of distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities.
 - A description of the applicable legal sanctions under local, state or federal law for the unlawful possession or distribution of illicit drugs and alcohol.
 - A description of the health risks associated with the use of illicit drugs and the abuse of alcohol.
 - A clear statement that the institution will impose disciplinary sanctions on students and employees (consistent with local, state and federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct. A disciplinary sanction may include the completion of an appropriate rehabilitation program.

2. A biennial review by the institution of its program to:
 - Determine its effectiveness and implement changes, if needed.
 - Ensure that its disciplinary sanctions are consistently enforced.

SANCTIONS

In compliance with federal requirements, the unlawful possession, use, or distribution of illicit drugs and alcohol by students or employees on Vermont Law School property or as a part of any Vermont Law School activity is a violation of not only the law but the Law School regulations. Possession, use, or distribution of certain non-prescription drugs, including marijuana, amphetamines, heroin, cocaine, and non-prescription synthetics procurement or distribution of alcohol if one is under 21 years of age; and provision of alcohol to anyone under 21 years of age are considered serious breaches of policy. Vermont Law School will respond to violations of its drug and alcohol abuse policy with action consistent with school disciplinary and personnel policies and local, state, or federal law. Sanctions may include: substance abuse counseling; referral to or mandatory participation in an appropriate drug assistance or rehabilitation program; disciplinary action including reprimand, probation, expulsion or termination of employment; and/or possible referral for prosecution. State penalties for illicit manufacture, use, and distribution of controlled substances are outlined in **Vermont Statutes (Title 18, Chapter 84) Possession and Control of Regulated Drugs**

<http://www.leg.state.vt.us/statutes/fullchapter.cfm?Title'18&Chapter'084>. A copy of the complete federal regulations is available from the Associate Dean for Student Affairs and Diversity, who can respond to inquiries and clarify VLS policy.

DRUG USE AND INELIGIBILITY FOR FEDERAL FINANCIAL AID

Students denied eligibility for an indefinite period can regain it after successfully completing a rehabilitation program (as described by law), passing two unannounced drug tests from such a program,

or if a conviction is reversed, set aside, or removed from the student's record so that fewer than two convictions for sale or three convictions for possession remain on the record. In such cases, the nature and dates of the remaining convictions will determine when the student regains eligibility.

The Law School is committed to educating students and employees about the implications of substance abuse; to promoting institutional programs with those objectives; and to supporting the efforts of individuals to overcome substance abuse problems. To this end, students and employees should familiarize themselves with the possible behavioral and medical consequences of substance abuse described below. The school counselor can provide confidential counseling and referrals to appropriate drug and alcohol counseling, treatment, and rehabilitation programs accessible in the vicinity of the Law School.

The Law School's current policy is intended to meet minimum legal requirements and to allow for modifications and refinement as necessary. It is not meant to restrain dissent of the free and open discussion of issues surrounding drug and alcohol use and abuse or of related Federal laws and policies. As an educational institution, we encourage inquiry and dialogue. A truly workable approach to eliminating drug and alcohol abuse is based on fairness and information, not merely punishment.

SPECIFIC DRUGS AND THEIR EFFECTS

SOURCE: Network of Colleges and Universities Committed to the Elimination of Drug and Alcohol Abuse

TOBACCO

The smoking of tobacco products is the chief avoidable cause of death in our society. Smokers are more likely than nonsmokers to contract heart disease – some 170,000 die each year from smoking-related coronary heart disease. Lung, larynx, esophageal, bladder, pancreatic, and kidney cancers also strike smokers at increased rates. Some 30 percent of cancer deaths (130,000 per year) are linked to smoking. Chronic obstructive lung diseases such as emphysema and chronic bronchitis are 10 times more likely to occur among smokers than among nonsmokers.

Smoking during pregnancy also poses serious risk. Spontaneous abortion, preterm birth, low birth weights, and fetal and infant deaths are all more likely to occur when the pregnant woman or mother is a smoker. Cigarette smoke contains some 4,000 chemicals, several of which are known carcinogens. Other toxins and irritants found in smoke can produce eye, nose, and throat irritations. Carbon monoxide, another component of cigarette smoke, combines with hemoglobin in the blood stream to form carboxyhemoglobin, a substance that interferes with the body's ability to obtain and use oxygen.

Perhaps the most dangerous substance in tobacco smoke is nicotine. Although it is implicated in the onset of heart attacks and cancer, its most dangerous role is reinforcing and strengthening the desire to smoke. Because nicotine is highly addictive, addicts find it very difficult to stop smoking, of 1,000 typical smokers, fewer than 20 percent succeed in stopping on the first try. Although the harmful effects of smoking cannot be questioned, people who quit can make significant strides in repairing damage done by smoking. For pack-a-day smokers, the increased risk of heart attack dissipates after 10 years. The likelihood of contracting lung cancer as a result of smoking can also be greatly reduced by quitting.

ALCOHOL

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increases the incidence of a

variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described. Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver. Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

CANNABIS

All forms of cannabis have negative physical and mental effects. Several regularly observed physical effects of cannabis are a substantial increase in the heart rate, bloodshot eyes, a dry mouth and throat, and increased appetite. Use of cannabis may impair or reduce short-term memory and comprehension, alter sense of time, and reduce ability to perform tasks requiring concentration and coordination, such as driving a car. Research also shows that students do not retain knowledge when they are "high". Motivation and cognition may be altered making the acquisition of new information difficult. Marijuana can also produce paranoia and psychosis. Because users often inhale the unfiltered smoke deeply and then hold it in their lungs as long as possible, marijuana is damaging to the lungs and pulmonary system. Marijuana smoke contains more cancer-causing agents than tobacco. Long-term users of cannabis may develop psychological dependence and require more of the drug to get the same effect. The drug can become the center of their lives.

INHALANTS

The immediate negative effects of inhalants include nausea, sneezing, coughing, nosebleeds, fatigue, lack of coordination, and loss of appetite. Solvents and aerosol sprays also decrease the heart and respiratory rates and impair judgment. Amyl and butyl nitrite cause rapid pulse, headaches, and involuntary passing of urine and feces. Long-term use may result in hepatitis or brain damage. Deeply inhaling the vapors, or using large amounts over a short time, may result in disorientation, violent behavior, unconsciousness, or death. High concentrations of inhalants can cause suffocation by displacing the oxygen in the lungs or by depressing the central nervous system to the point that breathing stops. Long-term use can cause weight loss, fatigue, electrolyte imbalance, and muscle fatigue. Repeated sniffing of concentrated vapor over time can permanently damage the nervous system.

COCAINE

Cocaine stimulates the central nervous system. Its immediate effects include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature. Occasional use can cause a stuffy or runny nose, while chronic use can lacerate the mucous membrane of the nose. Injecting cocaine with contaminated equipment can cause AIDS, hepatitis, and other diseases. Preparation of freebase, which involves the use of volatile solvents, can result in death or injury from fire or explosion. Cocaine can produce psychological and physical dependency, a feeling that the user cannot function without the drug. In addition, tolerance develops rapidly. Crack or freebase rock is extremely addictive, and its effects are felt within 0 seconds. The physical effects include dilated pupils, increased pulse rate,

elevated blood pressure, insomnia, loss of appetite, tactile hallucinations, paranoia, and seizures. The use of cocaine can cause death by cardiac arrest or respiratory failure.

OTHER STIMULANTS

Stimulants can cause increased heart and respiratory rates, elevated blood pressure, dilated pupils, and decreased appetite. In addition, users may experience sweating, headache, blurred vision, dizziness, sleeplessness, and anxiety. Extremely high doses can cause a rapid or irregular heartburn, tremors, loss of coordination, and even physical collapse. An amphetamine injection creates a sudden increase in blood pressure that can result in stroke, very high fever, or heart failure. In addition to physical effects, users report feeling restless, anxious, and moody. Higher doses intensify the effects. Persons who use large amounts of amphetamines over a long period of time can develop an amphetamine psychosis that includes hallucinations, delusions, and paranoia. These symptoms usually disappear when drug use ceases.

DEPRESSANTS

The effects of depressants are in many ways similar to the effects of alcohol. Small amounts can produce calmness and relaxed muscles, but somewhat larger doses can cause slurred speech, staggering gait, and altered perception. Very large doses can cause respiratory depression, coma, and death. The combination of depressants and alcohol can multiply the effects of the drugs, thereby multiplying the risks. The use of depressants can cause both physical and psychological dependence. Regular use over time may result in a tolerance to the drug, leading the user to increase the quantity consumed. When regular users suddenly stop taking large doses, they may develop withdrawal symptoms ranging from restlessness, insomnia, and anxiety to convulsions and death. Babies born to mothers who abuse depressants during pregnancy may be physically dependent on the drugs and show withdrawal symptoms shortly after they are born. Birth defects and behavioral problems also may result.

HALLUCINOGENS

Phencyclidine (PCP) interrupts the functions of the neocortex, the section of the brain that controls the intellect and keeps instinct in check. Because the drug blocks pain receptors, violent PCP episodes may result in self-inflicted injuries.

The effects of PCP vary, but users frequently report a sense of distance and estrangement. Time and body movements are slowed down. Muscular coordination worsens and senses are dulled. Speech is blocked and incoherent. Chronic users of PCP report persistent memory problems and speech difficulties. Some of these effects may last 6 months to a year following prolonged daily use. Mood disorders – depression, anxiety, and violent behavior – occur. In later stages of chronic use, users often exhibit paranoid and violent behavior and experience hallucinations. Large doses may produce convulsions and coma, as well as heart and lung failure. Lysergic acid (LSD), mescaline, and psilocybin cause illusions and hallucinations. The physical effects may include dilated pupils, elevated body temperature, increased heart rate and blood pressure, loss of appetite, sleeplessness, and tremors. Sensations and feelings may change rapidly. It is common to have a bad psychological reaction to LSD, mescaline, and psilocybin. The user may experience panic, confusion, suspicion, anxiety, and loss of control. Delayed effects, or flashbacks, can occur even after use has ceased.

NARCOTICS

Narcotics initially produce a feeling of euphoria that often is followed by drowsiness, nausea, and vomiting. Users also may experience constricted pupils, watery eyes, and itching. An overdose may produce slow and shallow breathing, clammy skin, convulsion, coma, and possible death. Tolerance to

narcotics develops rapidly and dependence is likely. The use of contaminated syringes may result in disease such as AIDS, endocarditis, and hepatitis. Addiction in pregnant women can lead to premature, stillborn, or addicted infants who experience severe withdrawal symptoms.

DESIGNER DRUGS

Illegal drugs are defined in terms of their chemical formulas. To circumvent these legal restrictions, underground chemists modify the molecular structure of certain illegal drugs to produce analogs known as designer drugs. These drugs can be several hundred times stronger than the drugs they are designed to imitate. Many of the so-called designer drugs are related to amphetamines and have mild stimulant properties but are mostly euphorants. They can produce severe neurochemical damage to the brain. The narcotic analogs can cause symptoms such as those seen in Parkinson's disease: uncontrollable tremors, drooling, impaired speech, paralysis, and irreversible brain damage. Analogs of amphetamines and methamphetamines cause nausea, blurred vision, chills or sweating, and faintness. Psychological effects include anxiety, depression, and paranoia. As little as one dose can cause brain damage. The analogs of phencyclidine cause illusions, hallucinations, and impaired perception.

ANABOLIC STEROIDS

Anabolic steroids are a group of powerful compounds closely related to the male sex hormone testosterone. Developed in 1930s, steroids are seldom prescribed by physicians today. Current legitimate medical uses are limited to certain kinds of anemia, severe burns, and some types of breast cancer. Taken in combination with a program of muscle-building exercise and diet, steroids may contribute to increase in body weight and muscular strength. Because of these properties, athletes in a variety of sports have used steroids since the 1950s, hoping to enhance performance. Today, they are being joined by increasing numbers of young people seeking to accelerate their physical development. Steroid users subject themselves to more than 70 side effects ranging in severity from liver cancer to acne and including psychological as well as physical reactions. The liver and the cardiovascular and reproductive systems are most seriously affected by steroid use. In males, use can cause withered testicles, sterility, and impotence. In females, irreversible masculine traits can develop along with breast reduction and sterility. Psychological effects in both sexes include very aggressive behavior—"roid and rage"—and depression. While some side effects appear quickly, others, such as heart attacks and strokes, may not show up for years. Signs of steroid use include weight and muscle gains (if steroids are being used in conjunction with a weight training program); behavioral changes, particularly increased aggressiveness and combativeness; jaundice; purple or red spots on the body; swelling of feet or lower legs; trembling; unexplained darkening of the skin; and persistent unpleasant breath odor. Steroids are produced in tablet or capsule form for oral ingestion, or as a liquid for intramuscular injection.

APPENDIX B

SEXUAL MISCONDUCT, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING POLICY, RESOURCES AND PROCEDURES

ADOPTED: May 8, 2015

EFFECTIVE DATE: May 8, 2015

The policies, procedures, and information outlined herein supersede previous Vermont Law School policies, procedures and information on the same topic.

ARTICLE I. VLS SEXUAL MISCONDUCT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING POLICY

A. PURPOSE

Sexual misconduct, domestic violence, dating violence and stalking violate Vermont Law School's Code of Conduct and often constitute a crime. The purpose of this Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy, Resources and Procedures ("SMDVS Policy ") is to make clear that sexual misconduct, domestic violence, dating violence, and stalking, as defined herein, violate Vermont Law School's Code of Conduct, and to provide members of the VLS community who may have been subject to conduct that violates this policy with information about reporting incidents of prohibited conduct and available resources.

B. NOTICE OF NON-DISCRIMINATION

Vermont Law School maintains and publishes in several publications a Notice of Nondiscrimination. For example, this Notice is included in the VLS Policy Against Harassment, Sexual Harassment, Discrimination and Related Retaliation ("HSHDR Policy"), available at vermontlaw.edu/resources and, in its printed handbook, as stated above. That Notice is incorporated into this Policy by reference. Any questions regarding sexual misconduct may be referred the Law School's Title IX Coordinator or to the Office of Civil Rights (contact information is provided in the HSHDR Policy).

C. TITLE IX COORDINATOR

Pursuant to Title IX of the Education Amendments of 1972 and the U.S. Department of Education's implementing regulations at 34 C.F.R. Part 106, the Law School's Title IX Coordinator has primary responsibility for coordinating the Law School's efforts to comply with and carry out its responsibilities under Title IX, which include the Law School's efforts to respond to reports of sexual misconduct. Vermont Law School has designated Shirley Jefferson, Associate Dean for Student Affairs and Diversity, 802-831-1333, to serve as its Title IX Coordinator. Kim Harris, Director of Human Resources 802-831-1225, will act as Dean Jefferson's alternate Title IX Coordinator when Dean Jefferson is unavailable. More detail about the duties the Title IX Coordinator and Deputy Title IX Coordinator is provided in the HSHDR Policy, which is incorporated herein by reference.

Reports or concerns regarding sexual misconduct, domestic violence, dating violence or stalking may also be reported to Beth McCormack, Vice Dean for Students, 802-831-1004 and any safety concerns

should be reported immediately to Vice President of Finance, Lorraine Atwood, 802-831-1204. In the event that the incident, policy, or procedure about which the student or employee seeks to file a report or complaint creates the appearance of a conflict of interest with the Title IX Coordinator, students or employees may contact the President and Dean's Office. The President and Dean or designee will appoint another person to handle the Law School's related responsibilities, as appropriate.

D. DEFINITIONS

"SEXUAL MISCONDUCT" is a broad term that, as explained within this policy, encompasses sexual exploitation and sexual assault. Sexual misconduct usually constitutes a form of sexual harassment. Sexual harassment that does not fit within the definition of sexual misconduct stated in this SMDVS Policy will be handled under the Law School's HSHDR Policy, unless reported incidents involve alleged sexual harassment that would fit into both policies, in which case the procedures outlined in this SMDVS Policy will be followed in general, though some procedural variation may be necessary where deemed appropriate by the Title IX Coordinator, the Associate Dean for Student Affairs and Diversity, and/or the Associate Dean for Academic Affairs. The Law School prohibits a broad range of inappropriate sexualized activity through this sexual misconduct policy. The prohibitions of this policy apply regardless of the sex, sexual orientation or gender identity of any involved individual.

"COMPLAINANT" is defined as a student, employee, or third party involved in some way in an academic or extracurricular program of the Law School who has allegedly been subjected to conduct in violation of this policy by a student or employee respondent. In some cases (such as, for example, cases in which a student, employee, or third party involved in an alleged incident of sexual misconduct, domestic violence, dating violence or stalking does not wish to participate in the process but the Law School decides that the alleged misconduct needs to be investigated and addressed), the Law School may move forward with an investigation and/or related disciplinary proceedings. In such cases, the Law School may extend the full rights of a complainant as defined in this policy to affected parties as deemed appropriate by the Law School. For ease of reference and consistency, the term "complainant" is used hereafter in this policy to refer to a person who believes that he or she has been subjected to harassment, sexual harassment, discrimination or retaliation, or who is believed by another to have been subjected to such conduct.

"RESPONDENT" is defined as an individual (student, faculty, staff, or third party over whom the Law School has some form of jurisdiction) who is reported to have violated the Law School's SMDVS Policy.

"SEXUAL EXPLOITATION" occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person, without that person's consent. Examples of behavior that could rise to the level of sexual exploitation include but are not limited to: prostituting another person; recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent; distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and, viewing another person's sexual activity,

intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, and for the purpose of arousing or gratifying sexual desire. Sexual exploitation may occur regardless of whether sexual activity takes place.

"SEXUAL ASSAULT" is defined as engaging in a sexual act with another person by any of the following means:

- Without his or her consent; or
- By physically forcing, threatening, intimidating or coercing the other person; or
- By placing the other person in fear that any person will suffer imminent bodily injury; or
- When the person knows, or reasonably should know based on an objective standard, that the other person's ability to give or withhold consent is impaired: 1) by the consumption of drugs, alcohol or other intoxicants; or 2) because the other person is subject to a physical or mental incapacity such as sleep or unconsciousness.

"SEXUAL ACT" is defined as conduct between persons consisting of:

- Contact between the penis and the vulva.
- Contact between the penis and the anus.
- Contact between the mouth and the penis.
- Contact between the mouth and the vulva.
- Any intrusion, however slight, by any part of a person's body or any object into the genital or anal opening of another.

"CONSENT" is defined under Vermont law as "words or actions by a person indicating a voluntary agreement to engage in a sexual act." At the foundation of this policy is the understanding that in order to engage in behavior of a sexual nature there must be clear, knowing and voluntary consent prior to and during sexual activity. For purposes of the Law School's SMDVS Policy, the following is true of consent:

- Consent is informed, active, and freely given and is grounded in rational and reasonable judgment. It requires clear communication between all persons involved in the sexual encounter.
- Consent can be communicated verbally or by action(s). Consent must be mutually understandable by all parties involved in the sexual experience, which a reasonable person would interpret as a willingness to participate in agreed-upon sexual conduct.
- The person initiating the sexual contact is always responsible for obtaining consent from their partner(s). It is not the responsibility of one party to resist or communicate "no" to the sexual advances of another.
- Consent is not the absence of resistance. Silence is an inactive behavior and does not constitute consent. If a partner is inactive (for example, silent or physically still) sexual activity must stop

until both partners have communicated clearly with each other about what, if any, sexual activity is mutually desired.

- Consent to one form of sexual activity does not imply consent to another form of sexual activity. Each new sexual act requires new consent. Consent can be rescinded at any time.
- Consent at one time and to one sexual act does not imply consent at any other time to that or any other sexual act at a later date and regardless of previous relations.
- Consent to engage in sexual activity with one person does not imply to consent to engage in sexual activity with another;
- Consent cannot be given by minors, mentally disabled individuals, or by incapacitated persons. A person may be incapacitated as a result of alcohol or other drug use. A person who is unconscious, unaware, or otherwise physically helpless cannot give consent to sexual activity.
- A person will be considered unable to give valid consent, for example, if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing.
- Imbalance of power (supervisor- supervisee, faculty member-student, etc.) may lead to confusion about consent.
- Consent cannot result from force, or threat of force, coercion, fraud, intimidation, incapacitation (due to drunkenness for example), or imbalance of power. The Law School will use an objective standard when determining incapacitation-related questions; that is, the Law School will determine whether from the standpoint of a reasonable person, the respondent knew or should have known that the complainant could not effectively consent because he or she was incapacitated.
- It should be noted that ignorance of the policy noted above, or the intoxication of the respondent, will not (particularly given the Law School's objective standard) be considered an excuse for violating this policy.

As a matter of VLS policy, VLS strictly prohibits conduct that would constitute sexual misconduct under VLS policy as defined above, and as defined by Vermont law. The Law School encourages complainants who believe they are being or have been subjected to such conduct, and others with knowledge of such conduct, to report the conduct to the Law School through the procedures described below, and to seek the support of the Law School and/or external resources identified in this Policy.

“DOMESTIC VIOLENCE” includes violence committed (1) by a current or former spouse of the complainant, (2) by a person with whom the complainant shares a child in common, (3) by a person who is cohabitating with or has cohabitated with the complainant as a spouse, (4) by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of Vermont, or (5) by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of Vermont.

Under Vermont law, it is unlawful to attempt to cause or to willfully or recklessly cause bodily injury to a family or household member, or to willfully cause a family or household member to fear imminent

serious bodily injury. "Household members" are defined as those persons who, for any period of time, are living or have lived together, are sharing or have shared occupancy of a dwelling, and are engaged in or have engaged in a sexual relationship, or minors or adults who are dating or have dated.

As a matter of VLS policy, VLS strictly prohibits conduct that would constitute domestic violence under VLS policy as defined above, and as defined by Vermont law. The Law School encourages complainants who believe they are being or have been subjected to such conduct and others with knowledge of such conduct, to report the conduct to the Law School through the procedures described below, and to seek the support of the Law School and/or external resources identified in this Policy.

"DATING VIOLENCE" is defined as violence by a person who is or has been in a social relationship of a romantic or sexual nature with the complainant. The factors that will be considered in determining whether a dating relationship exists or existed, include: (a) the nature of the relationship; (b) the length of time the relationship has existed; (c) the frequency of the interaction between the parties; (d) the length of time since the relationship ended, if applicable; and e) the complainant's statement as to whether a dating relationship exists or existed. Under Vermont law, it is unlawful to attempt to cause or to willfully or recklessly cause bodily injury to a person one is dating or has dated, or to willfully cause such person to fear imminent serious bodily injury, and such conduct is prohibited by Law School policy.

As a matter of VLS policy, VLS strictly prohibits conduct that would constitute dating violence under VLS policy as defined above, and as defined by Vermont law. The Law School encourages complainants, who believe they are being or have been subjected to such conduct, and others with knowledge of such conduct, to report the conduct to the Law School through the procedures described below, and to seek the support of the Law School and/or external resources identified in this Policy.

"STALKING" as defined by federal law means engaging in a course of conduct (a pattern of conduct composed of two or more acts over a period of time, however short, evidencing a continuity of purpose) directed at a specific person that would cause a reasonable person to: fear for one's safety or the safety of others; or suffer substantial emotional distress.

Under Vermont law, "stalking" is defined to mean engaging in a course of conduct which consists of one of the following, when such conduct serves no legitimate purpose and would cause a reasonable person to fear for one's physical safety or health or would cause a reasonable person to suffer emotional distress.

a. Following - defined as maintaining over a period of time a visual or physical proximity to another person in such a manner as would cause a reasonable person to have a fear of unlawful sexual conduct, unlawful restraint, bodily injury or death.

b. Lying in wait for - defined as hiding or being concealed for the purpose of attacking or harming another person, or

c. Harassing - defined as actions directed at a specific person, or a member of the person's family, which would cause a reasonable person to fear unlawful sexual conduct, unlawful restraint, bodily injury, or death, including but not limited to verbal threats, written, telephonic, or other electronically communicated threats, vandalism, or physical contact without consent.

When part of a pattern of behavior that falls within the definition of stalking described above, examples of stalking behaviors or activities may include, but are not limited to:

a. Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, text messages, written letters, gifts, or any other communications that are unwelcome.

b. Use of online, electronic or digital technologies in connection with such communication, including but not limited to:

- Posting of pictures or text in chat rooms or on websites;
- Sending unwanted/unsolicited e-mail or talk requests;
- Posting private or public messages on Internet sites, social networks, and/or school bulletin boards;
- Installing spyware on a person's computer;
- Using Global Positioning Systems (GPS) or similar technology to monitor a person.

c. Pursuing, following, waiting, or showing up uninvited at or near a residence, work- place, classroom, or other places frequented by the person.

d. Surveillance or other types of observation including staring or "peeping". e. Trespassing.

f. Vandalism.

g. Non-consensual touching.

h. Direct verbal or physical threats.

i. Gathering information about an individual from friends, family, or co-workers.

j. Accessing private information through unauthorized means.

k. Threats to harm self or others.

l. Using a third party or parties to accomplish any of the above.

As a matter of VLS policy, VLS strictly prohibits conduct that would constitute stalking under VLS policy as defined above, and as defined by Vermont law. The Law School encourages individuals who believe that they are being or have been subjected to such conduct and others with knowledge of such conduct, to report the conduct to the Law School through the procedures described below, and to seek the support of the Law School and/or external resources identified in this Policy.

“Retaliation” is defined as an adverse action taken against any person for making a good faith complaint of conduct that would violate this policy or for having participated in an investigation of such a complaint. Retaliation includes but is not limited to ostracizing the person, pressuring the person to drop or not support the complaint, or adversely altering that person’s educational, living, or work environment. Retaliation may be unlawful and may constitute a violation of this policy depending on the circumstances, whether or not the complaint is ultimately found to have merit. Retaliation is strictly prohibited.

E. SCOPE AND REQUIRED INFORMATION

The Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy, applies to conduct on VLS property and/or in connection with VLS-sponsored programs and events, including student group events. The policy also applies in other circumstances where the alleged conduct: could have a significant impact on the educational or employment environment or the reputation or integrity of VLS; involves interactions between VLS employees, officers, trustees and/or students; or indicates that someone 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 misconduct, domestic violence, dating violence or stalking complaint against a law student, regardless of the circumstances of the alleged misconduct.

Disciplinary proceedings regarding reports of sexual misconduct, domestic violence, dating violence or stalking will involve prompt, fair and impartial investigations and resolutions, will be conducted by VLS officials and/or appointees who receive annual training on the issues related to domestic violence, dating violence, sexual misconduct and stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. VLS will not publish the name or other identifying information about a person who was reportedly subject to such misconduct when creating publicly available records about criminal incidents, to the extent permissible by law. The Law School prohibits retaliation, intimidation, coercion, threats, coercion or other discrimination against any individual for exercising their rights or responsibilities as outlined in this SMDVS Policy.

F. REPORTING

VLS strongly encourages any student or employee who feels that he or she has been subjected to sexual misconduct, domestic violence, dating violence, or stalking to contact local authorities. Reporting the incident does not obligate you to prosecute, but helps preserve your options in the event that you choose to pursue criminal prosecution or an order of protection. Delayed reporting will diminish the possibility of collecting potentially crucial evidence. Nevertheless, VLS will accept reports when they are made, and it is never too late to seek support and medical attention.

G. LENIENCY

Sometimes, individuals are reluctant to come forward to report perceived violations of this policy out of fear that they may be charged with violations of Code of Conduct standards (for example, because they engaged in illegal drug use at the time of the incident). It is of paramount importance to the Law School that all perceived violations of this policy be reported, so that those affected can receive the support and resources needed. Therefore, in order to facilitate reporting, the Law School may choose to not charge students who report violations of this policy with violations of Code of Conduct standards.

H. CONFIDENTIALITY

VLS will strive to maintain confidentiality in responding to a complaint under this policy, including inquiries regarding the investigation, the disciplinary process, and the final outcome of any disciplinary proceeding—although, by law, both the respondent and the complainant will be informed in writing of the outcome of disciplinary proceedings involving a report of sexual assault, domestic violence, dating violence or stalking.

Confidentiality is not absolute, however. 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 misconduct. Please do not be discouraged to come forward: your reporting of misconduct covered by this policy may help prevent other misconduct, and information will be shared only to the extent necessary to protect our community's safety and facilitate investigations and adjudications.

Counselors and medical providers are confidential resources. This means that, in most cases, these confidential resources will not share the substance of any such communications or that such communications occurred with the complainant's consent. Individuals who wish to talk about sexual misconduct, domestic violence, dating violence or stalking-related issues confidentially, with the understanding that the Law School will not take any action based on such confidential communications, are encouraged to contact one of these confidential resources.

Confidential resources may, however, have an obligation to disclose otherwise-privileged information where they perceive an immediate and/or serious threat to a person and/or property. This is a limited exception to the privileged nature of communications with confidential resources. Reports or records maintained by VLS (including the Counseling Service records), and other confidential, non-privileged records may, however, be subject to subpoena if civil or criminal charges are filed in court.

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, these confidential resources will not report Clery crimes they learn about through confidential communications for purposes of the Law School's compilation of campus crime statistics. Even if a student wishes to maintain confidentiality, the confidential resources will still assist the individual in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working, transportation or academic accommodations.

Contact information for confidential resources is as follows:

- **Vermont state-wide Emergency Number | 1-800-489-RAPE**

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

- **For victims with disabilities | 1-800-489-7273**

Connect with local program for crisis intervention, peer counseling, court advocacy, referral and other services.

- **Legal Assistance**

1. Vermont Legal Aid | 800-889-2047 | or vtlegalaid.org
2. Vermont Bar Association | vtbar.org
3. Clara Martin Center | 802-728-4466

I. NON-CONFIDENTIAL RESOURCES: RESPONSIBLE EMPLOYEES*

Many staff and faculty members are “responsible employees” for purposes of this policy and the Law School’s HSHDR Policy. As defined in more detail in the HSHDR Policy, a “responsible employee” is defined as a Law School employee who has the authority to address conduct that violates this policy or the HSHDR Policy, or whom an individual could reasonably believe has this authority or duty. Law School administrators, staff, and student employees whose job responsibilities include working with students, and Law School faculty, are considered to be “responsible employees,” as are (where the complainant is an employee) supervisors, administrators, and individuals working in Human Resources. Responsible employees are respectful of an individual’s wishes to the extent appropriate and are discreet, but they need to convey information about reported conduct in violation of this policy to the Law School’s Title IX Coordinator.

General inquiries or questions about this policy may remain private, do not have to be reported, and the Law School will strive to protect the privacy interests of individuals to the extent it can while maintaining its obligations to uphold relevant policies and regulations and/or to take reasonable steps to promote the safety of members of the Law School community. Otherwise, once any responsible employee learns of an incident that may violate this policy, written or unwritten, the responsible employee must immediately notify the Title IX Coordinator of such complaint. The responsible employee must report all relevant details about the incident (such as the name of the complainant and respondent, any witnesses, and other relevant facts, such as the date, time and specific location of the alleged incident). Such notice to the Law School generally obligates the Law School to investigate the incident and take appropriate steps to address the situation.

J. VERMONT LAW SCHOOL DISCIPLINARY SANCTIONS

A student who violates the Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy will be subject to disciplinary proceedings under this Policy independently of whether legal proceedings involving the same incident are underway or anticipated. See Article IV of this Policy.

An employee of VLS who violates either the Standards of Professional Conduct or who violates the Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy will be subject to disciplinary action up to and including the termination of employment. If the Associate Dean determines that the President and Dean, another officer or Trustee, or an agent or contractor of the Law School has engaged in conduct in violation of this policy, he/she will 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. VLS will encourage and assist a complainant in reporting any illegal conduct to the appropriate authorities, and may have to do so independently where it determines that the circumstances pose an ongoing threat to a member or members of the VLS community.

*“Responsible employee” does not include the confidential resources as defined above

ARTICLE II. MATERIALS AVAILABLE REGARDING SEXUAL ASSAULT AND SEXUAL OFFENSES

Educational materials concerning rape, sexual assault, and sexual harassment are available from the Associate Dean for Student Affairs and Diversity, the Title IX Coordinator, and the Deputy Title IX Coordinator. 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 of the rape crisis centers listed in Section III (D) of this document.

ARTICLE III. RESOURCES FOR VICTIMS OF SEXUAL MISCONDUCT, DOMESTIC VIOLENCE, DATING VIOLENCE OR STALKING

The Law School will support individuals in making referrals to, contacting, and/or providing the options and support resources outlined below, regardless of whether an individual wishes to report covered misconduct to law enforcement authorities.

A. OBTAINING SUPPORT

You are in control to decide whether you want to talk with somebody about the incident and with whom you want to talk. The choice to report a crime to the police is also yours, though VLS may be required to report a crime to the police in contradiction to the complainant’s wishes if VLS determines that the circumstances pose an ongoing threat to a member or members of the VLS community. If you are unsure about what to do immediately after an incident of sexual assault, domestic violence, dating violence or stalking, these are some of your options:

1. Call a rape-crisis hotline.
 - Safeline 800-639-7233
 - WISE (Women’s Information Services) 603-448-5525

Safeline and WISE trained counselors are available 24 hours a day. They can 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 at 802-831-1333 or Vice Dean for Students at 802-831-1004.
4. Call Clara Martin Center's 24-hour Emergency Service 800-639-6360.
5. Call a domestic violence support provider
 - Vermont 211. Get Help. Give Help. Discover options. A free and confidential service.
 - SafeSpace Vermont 866-869-7341 or 802-863-0003, for LGBTQA survivors [safespace.org/safespace](http://www.safespace.org/safespace).
 - rainn.org | Rape, Abuse, Incest National Network | lots of info | 24/7 hotline.
 - Deaf Vermonters Advocacy Services, videophone or hearing 802-661-4091.
 - malesurvivor.org overcoming sexual victimization for boys and men.
 - Women Safe 24-hour hotline 800-388-4205 - provides crisis intervention and emotional support to survivors of physical, sexual, and/or emotional abuse.

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 (802-728-4441) 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 (three 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 it does not, or if you do not wish to go to 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, Vt.
Closed Saturday and Sunday 802-234-5289.
- Walgreens Drug Store, 3 Airport Rd., W. Lebanon, N.H. (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, absent circumstances described above in A. Law enforcement may be reached at:

- State Police (Bethel office), 802-234-9933.
- South Royalton Police Department, 802-763-7776 or 911.

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, if you so choose. Your options include: notifying law enforcement authorities; being assisted by VLS in notifying law enforcement authorities, if you choose to have VLS’s support in notifying law enforcement authorities; and declining to notify such authorities.

E. SEEKING COUNSELING

VLS provides up to ten free short-term confidential counseling service visits to Vermont Law School students. For evaluation, consultation and/or referral, contact our counseling service Clara Martin Center 802-728-4466.

Alternatively, you may want to contact a community mental health center near you (see General Area Information). Or you may prefer to use a specialized support line such as

- Safeline 800-639-7233.
- WISE, Women’s Information Services 603-448-5525.
- SafeSpace for LGBTQQ survivors of violence 866-869-7341.
- Clara Martin Center 24-hour Emergency Service 800-639-6360.

F. GET ASSISTANCE FROM THE LAW SCHOOL

1. For initial counseling and referral to counseling and legal reporting sources, and/or if, in the aftermath of sexual assault, domestic violence, dating violence or stalking, 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 or the Deputy Title IX Coordinator. The Law School may make reasonable accommodations to assist you, including issuance of no contact orders and assistance with changes in your academic schedule and/or living, working or transportation arrangements, should such changes be required and reasonably available. 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. Please understand, though, that these individuals will be responsible employees as defined above so will be required to inform the Title IX Coordinator of information you provide; if you wish to have a confidential conversation, you should speak with a confidential resource (i.e., a medical or mental health provider), as described above.

3. The Law School will assist complainants who wish to pursue the issuance of orders of protection (e.g., relief from abuse orders) in contacting appropriate authorities, will issue no-contact and no-trespass orders as necessary and appropriate, and will facilitate the implementation of judicially-ordered protective measures to the extent that it has the jurisdiction to do so on its campus and/or in connection with its programs.

G.PRESERVING EVIDENCE In addition to preserving evidence of a sexual assault as described above, you should also, to allow you to preserve your options to seek criminal prosecution, an order of protection, or disciplinary action by the Law School, preserve any other physical, documentary, photographic or other evidence that might be relevant to an incident or incidents of sexual assault, domestic violence, dating violence or stalking. This would include electronically-stored information such as text messages, emails, or video and audio files.

ARTICLE IV. VERMONT LAW SCHOOL DISCIPLINARY ACTION

A. Sexual misconduct, domestic violence, dating violence, and stalking are violations of the Vermont Law School Code of Conduct. The Code applies to conduct:

1. by 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. by 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. that occurs 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; and

4. circumstances where an action could have a significant impact on the educational or employment environment or the reputation or integrity of VLS (such as, by way of example but not limitation, where alleged conduct involves interactions between VLS employees, officers, trustees and/or students).

B. A person who believes she or he has been subjected to conduct that violates this policy by another member of the Law School community, may, in addition to any other available legal remedy, make a report about that conduct to the Law School.

C. The following procedural rules apply to reported violations of this Policy:

1. **COMPLAINT.** The Associate Dean for Student Affairs and Diversity (the Associate Dean) will meet with the complainant, who will make a written or oral complaint describing the incident. The complaint should include the date of the alleged assault, the name of the person who allegedly committed the assault (hereinafter, the respondent), and should describe the circumstances of the alleged assault. The complainant should also identify any witnesses who may have knowledge of the circumstances. The Associate Dean will make an initial determination as to whether or not the complaint alleges conduct prohibited by this policy. The complainant may request that charges be withdrawn at any time and the Law School will attempt to honor the wishes of the complainant. However, to accommodate cases where compelling evidence suggests significant individual or community safety concerns, the decision whether to discontinue an investigation or dismiss charges rests within the sole discretion of the Law School. Safety for the student and the campus community as a whole is of primary concern.

2. **ADVISORS AND SUPPORT PERSONS.** The Associate Dean may, at his or her discretion, appoint advisors for the complainant and respondent. The appointed advisors serve as advisors only, and do not give legal advice. There is no attorney/client privilege between the students and the advisors. The students may retain legal counsel at their own expense. The complainant and respondent are entitled to be accompanied by an advisor of their choice whenever meeting with the investigator or during any meetings related to the investigation. Such persons may, but need not, be the student's appointed advisor or retained legal counsel. Support persons can confer privately with the complainant or respondent, but cannot act as advocates or address the investigator.

3. **INVESTIGATION OVERVIEW.** If the Associate Dean determines that the complaint as reported does fall within this policy, he/she will appoint an investigator to investigate the facts and prepare a written report. The Investigator may be a Vermont Law School employee or official or may be an external investigator with appropriate experience or

expertise. The complainant and respondent will be provided with notice of the identity of the appointed Investigator, and will be informed that any objections to the service of the appointed Investigator on grounds of conflict of interest or a lack of impartiality should be submitted in writing to the Associate Dean within three days of notice of the appointment. The Associate Dean will decide promptly whether the appointed Investigator will or will not continue to conduct the investigation. Any materials collected or notes prepared by the Investigator during the objection period will be turned over to any replacement Investigator. The replacement Investigator will decide whether to use such materials or not. Absent extenuating circumstances, this initial determination and appointment of an Investigator will occur within five business days of receipt of the complaint. The Associate Dean will advise the respondent that charges have been filed against him/her and are being investigated. Should a respondent who has been notified of an investigation fail to cooperate with the investigator, the investigation may proceed, a finding may be reached, and a sanction may be imposed based upon the information available. The parties will be given periodic status updates throughout the investigation. At no point will the complainant be forced to be in contact or be in the same room as the respondent.

4. INTERIM REMEDIAL MEASURES. During the investigation, the Associate Dean or Title IX Coordinator may issue interim remedial measures, such as issuance of a no-contact order to restrict contact and communication between the complainant and the respondent. Other preventative measures may be taken where requested and reasonably available, such as room changes, class changes or, in particularly serious cases, interim removal of a student from campus.

5. ADDITIONAL VIOLATIONS. If, prior to or during the investigation, Vermont Law School becomes aware that additional violations have allegedly occurred or additional policies have allegedly been violated, additional charges may be added to and resolved through this investigation or separately, as determined at the discretion of the Associate Dean. In the event that additional charges are added to the investigation, the Associate Dean will notify the respondent of the additional charges promptly and in writing.

6. THE INVESTIGATION. The investigation will be conducted in a prompt, thorough, impartial, and equitable manner. Absent extenuating circumstances, the investigation of a complaint under this policy will ordinarily be completed within 30 calendar days. If the complainant or respondent requests an extension of this general 30 day period, he or she should make a written request for an extension to the Investigator, who will make a decision on the request after having provided the other party notice of the request and an opportunity to respond. The complainant and respondent will be asked to identify all relevant witnesses they would like the Investigator to interview. Both parties may provide, if they wish, a list of questions they would like the Investigator to ask of particular witnesses or of each other. The Investigator is not required to interview any particular witness, even if identified by one of the parties. Nor is the Investigator

required to ask questions provided by either party. At the conclusion of the investigation, the Investigator will share the witness statements and relevant materials with both the complainant and the respondent. Both will have the opportunity to respond to this information in writing within five business days. The deadline for the receipt of such responses is also the deadline for receipt by the Investigator of character reference letters for each party. If new evidence is gathered at any stage, it will be shared with both the complainant and the respondent and each will have an opportunity to submit a written response within a time frame set by the Associate Dean. When the final responses, if any, have been received from the complainant and respondent, the Associate Dean will share each party's response with the other party. The Investigator will submit a final report to the Associate Dean. The final report will include all investigation materials, the responses from the complainant and respondent, any character references, and the Investigator's recommended finding of whether this SMDVS Policy (or, where the procedure is being used to adjudicate alleged violations of the Policy Against Harassment, Sexual Harassment, Discrimination, and Retaliation ("HSHDR Policy") has been violated, based on a preponderance of the evidence standard, i.e. whether it is more likely than not that the policy was violated, along with the Investigator's rationale for this recommendation.

7. SEXUAL MISCONDUCT REVIEW PANEL. Upon receipt of the Investigator's report, the Associate Dean will convene a Sexual Misconduct Review Panel. This Panel will ordinarily consist of five members drawn from a pool. The pool includes five faculty members selected by the Vice Dean for Faculty, five staff members selected by the Dean and President, and five students appointed by the President of the Student Bar Association. The Associate Dean will choose five panel members from this pool to attend the hearing and make determinations. Each panel will have at least one member from each of the three groups listed and, if possible, gender diversity will be considered when selecting the panel. All pool members will receive annual training by the Title IX coordinator or her alternate.

The claimant and/or respondent may challenge the participation of any member of the review panel for conflict of interest or other good cause. Familiarity alone does not create a bias issue. Only where there is a determination that a panel member will not be able to provide an unbiased and impartial decision should an alternate be selected by the Associate Dean.

8. HEARING. The Panel will be provided with the Investigator's complete report and supporting materials but is not bound by his/her recommended finding. Absent extenuating circumstances, the Sexual Misconduct Review Panel will hold a closed hearing on whether the Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy (or, where this procedure is being used to adjudicate an alleged violation of the HSHDR Policy) has been violated. The Sexual Misconduct Review Panel will hold this hearing within fifteen business days after receipt of the Investigator's complete

report. The complainant and respondent shall be notified concurrently of the date, time, and location of the hearing. The complainant and the respondent will have an equal opportunity to present relevant witnesses and other evidence, to have an advisor of their choice present, to access information to be used at the hearing, and to present character witnesses. 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 Sexual Misconduct Review Panel to determine whether SMDVS Policy (or, as applicable, the HSHDR Policy) has been violated. To that end, the Sexual Misconduct Review Panel, as well as the complainant and respondent, shall have the right to call witnesses, question witnesses and examine documents offered as evidence. Neither the complainant nor the respondent will be permitted to question or cross-examine each other, either directly or through counsel, but may submit questions to the Panel. Neither party's advisor person may address the Panel or the witnesses. The Panel shall have full discretion to decide whether to ask the requested questions or not. Either the complainant or the respondent may request physical separation from the other at the hearing, including visual separation, such as through the use of a screen, video-conferencing or other such technology. Because this is not a civil or criminal trial, the rules of evidence may be more relaxed in the interest of gathering relevant information. It should be noted that extraneous information such as the complainant's or the respondent's prior sexual history with others must not be included, and not considered by the Panel in its deliberations on whether the charged misconduct occurred. A respondent's involvement in other incidents may, however, be considered by the Panel in its determination of sanctions, as discussed below.

9. FINDING AND SANCTION. The Panel will issue a finding regarding whether the SMDVS Policy (or as applicable, the HSHDR Policy) has been violated, based upon the preponderance of evidence standard. Absent extenuating circumstances, the Sexual Misconduct Review Panel will issue its findings, in writing, within 10 business days after the Hearing. A majority of the Panel members must find that a policy violation occurred for a finding of responsibility. The Associate Dean will notify the complainant and respondent concurrently and in writing of the finding to the extent permitted by law. If a finding is made that no policy has been violated, the respondent will have no record of the charge or its outcome in his/her permanent file. Complainants may appeal a finding of no responsibility and respondents may appeal a finding of responsibility, as set forth below. If the Panel determines that there has been a policy violation, the complainant may submit an Impact Statement to the Panel and the respondent may submit a Sanction Statement to the Panel, within three business days of the notification. The Panel will reconvene, consider the Impact Statement and Sanction Statement if any have been submitted, and determine a sanction.

10. SANCTIONS. A violation of the Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy will be subject to Class One sanctions. Class One sanctions

include, expulsion or withdrawal of an awarded degree. A violation of the Harassment, Sexual Harassment, Discrimination, and Retaliation Policy will be subject to Class Two sanctions. Class Two sanctions include expulsion, suspension, or withdrawal of an awarded degree, a fine, restitution, community service, probation, reference to counseling, termination of employment, or other action as deemed appropriate under the circumstances. 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 noted in the student's official file, unless the President and Dean decides otherwise. 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. Prior conduct and judicial history may be taken into account in determining a sanction. Respondents should also be advised that additional non-disciplinary outcomes, such as (by way of example but not limitation) extending and modifying no-contact orders, may also be imposed regardless of the finding. The Associate Dean will notify the complainant and respondent simultaneously and in writing of any sanction to the extent permitted by law. Absent extenuating circumstances, the Sexual Misconduct Review Panel will issue a decision regarding sanctions, if applicable, within five business days after receipt of an Impact Statement and/or Sanction Statement, if any. If neither Statement is submitted, the Panel will issue a decision on sanctions within eight business days of issuing its finding.

11. APPEALS. The complainant and respondent both have the right to appeal the decision of the Sexual Misconduct Panel to the President and Dean. The purpose of the appeal is to review the adjudication process. Appeals may be made on the basis of one or more of the following: discovery of significant new factual material not available to the Sexual Misconduct Review Panel that could have affected the original outcome (but omission of factual information by the appealing party that was or should reasonably have been available to the appealing party before the hearing is not grounds for appeal), or violation of procedure where the violation prevented fundamental fairness. The right of appeal is only available to a complainant or respondent who participated in the investigative process. An appeal must be made in writing within five business days of receipt of the finding in cases where no violation is found and within five business days of receipt of the sanction in cases where a policy violation has been found. The appeal must include the grounds for appeal and provide an outline of supporting evidence. The President and Dean will notify the Associate Dean and the other student of the appeal and will request his or her response to the appeal. The Associate Dean and the other student may provide a written response within five business days of the request. The President and Dean may deny the appeal or, if the appeal grounds have been met, may return the case to the Sexual Misconduct Review Panel for reconsideration, or convene a new Sexual Misconduct Review Panel. If the case is returned to the Sexual Misconduct Review Panel, the President and Dean shall identify which aspects of the case merit further review. Absent extenuating circumstances, the

President and Dean will notify the complainant and respondent concurrently, in writing, of his/her determination within 15 business days, to the extent permitted by law, and will notify the Associate Dean, in writing, with instructions for any further action. All decisions by the President and Dean are final.

The Law School will notify the parties of any change to the results of a disciplinary decision that occurs prior to the time that such results become final, and when such results become final.

12. THE RECORD. The Sexual Misconduct Review Panel will tape record the hearing in each case. The recording, the documents received, and the findings and action shall be retained in the President and Dean's Office. This record may be referred to by the Panel for any purpose, but the confidentiality of the record will otherwise be maintained. At any time after six years, the President and Dean's Office may destroy the record except for the final determination, unless there is a pending request for the record or the President and Dean determines that there is some need to continue to maintain the record confidentially. Additional information on sanctions, notations in student files and status if a student withdraws while disciplinary action is pending is set forth in Article V of the Code of Conduct.

ADDENDUM A: TITLE IX COORDINATOR'S FUNCTIONS AND RESPONSIBILITIES

The following is a non-exhaustive list of the Title IX coordinator's functions and responsibilities.

1. TRAINING FOR STUDENTS, FACULTY, AND STAFF

The Title IX Coordinator provides or facilitates ongoing training, consultation, and technical assistance on Title IX for all students, faculty and staff, including:

- regular training for faculty and staff outlining their rights and obligations under Title IX, including the appropriate response to reports of sexual misconduct, the obligation to report sexual misconduct to appropriate Law School officials, and the extent to which counselors and advocates may keep a report confidential, and
- regular training for students outlining their rights under Title IX; with regard to sexual misconduct, this training will include what constitutes sexual misconduct and when it creates a hostile environment, the definition of consent, reporting options (including reports to responsible employees, campus and local law enforcement, and confidential reporting to counselors or advocates), the grievance procedures used to process complaints, applicable disciplinary code provisions relating to sexual misconduct and the consequences of violating those provisions, the role of alcohol and drugs in sexual misconduct, the effects of trauma, strategies and skills for bystander intervention, the

offices or individuals with whom students can speak confidentially, the offices or individuals who can provide support services, the employees who must report incidents to the Title IX coordinator, and Title IX's protections against retaliation.

2. INVESTIGATIONS

The Law School will conduct adequate, reliable, and impartial investigations of reports and complaints of sexual misconduct. The Title IX Coordinator oversees many aspects of this response, including:

- determining whether the report or complaint alleges conduct that may, upon investigation, constitute prohibited sexual misconduct,
- appointing an investigator or investigators upon such determination,
- making certain that individual reports and complaints are handled properly and in a prompt and timely manner,
- informing all parties regarding the grievance process,
- confirming that all parties have been notified of grievance decisions and of the right to, and procedures for, appeal,
- maintaining information and documentation related to the investigation in a secure manner, and
- monitoring compliance with timeframes specified in the grievance procedures.

The Title IX Coordinator evaluates requests for confidentiality by those who report or complain about sexual misconduct in the context of the Law School's responsibility to provide a safe and nondiscriminatory environment for all students and employees. Confidentiality issues are discussed in more detail in the Law School's Policy Against Harassment, Sexual Harassment Discrimination and Related Retaliation, and its Sexual Misconduct, Domestic Violence, Dating Violence and Stalking Policy.

3. REMEDIES, INCLUDING INTERIM MEASURES

Upon learning of a report or complaint of sexual misconduct, the Title IX Coordinator promptly takes steps to ensure the complainant's equal access to the Law School's programs and activities and protect the complainant as necessary. Such steps include taking interim measures before the final outcome of any investigation, providing remedial measures after the final outcome of an investigation, and making the complainant aware of all available resources, including resources such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance. Interim measures are discussed in more detail below.

Upon a finding of prohibited sexual misconduct, the Title IX Coordinator determines whether campus-wide remedies should be adopted in response, including, by way of example but not limitation, review and revision of the Law School's sexual misconduct policies, increased monitoring, supervision or security at locations where sexual misconduct is reported to occur, and increased education and prevention efforts, including to targeted populations.