

UVM Office of Affirmative Action and Equal Opportunity

To: Catherine Welch, Asst, Dean of Students/Title IX Coordinator, St. Michael's College
From: Nick Stanton, AAEO Director, Title IX Coordinator, University of Vermont
Re: Responses to Task Force on Campus Sexual Harm Inquiry
Date: October 4, 2019

1. Please describe the pipeline for a student to report an alleged incident of sexual harm.

The following is a summary of the process for addressing reports of sexual misconduct and harassment. UVM's full process and policies are listed on the [Title IX and Sexual Misconduct webpage](#).

Students at UVM report sexual misconduct and harassment in a variety of ways. Students may file a report [online](#), in person, or by phone with the Office of Affirmative Action and Equal Opportunity (AAEO). The Director of AAEO serves as the Title IX Coordinator. Contact information for AAEO and reporting mechanisms are widely distributed on campus, and are displayed in student residence halls, dining areas, rest rooms, and other campus hubs. Many students elect to contact AAEO after they have consulted with confidential support resources, such as a licensed counselor in Counseling and Psychiatry Services or the Campus Victim's Advocate. Students may attend any AAEO meeting with a support person.

Other than direct reports to AAEO, UVM's primary source of sexual misconduct reports are from Campus Security Authorities and Responsible Employees, collectively "UVM Reporters", as defined by UVM Policy and federal law. If a student discloses sexual misconduct or harassment to a UVM Reporter, the UVM Reporter is required to share that information with AAEO by emailing TitleIX@uvm.edu. These reports often originate from Residential Life staff, faculty members, and UVM Police Services. UVM provides training to all faculty and staff on Title IX related reporting obligations through an online training entitled "Preventing Harassment and Discrimination." UVM also strongly encourages UVM Reporters to attend an annual in-person training.

2. Once the student has made an initial report, what does the rest of the process look like? Please describe your process starting with intake and extending through the entire adjudication process.

Intake

Once a student has made an initial report about sexual misconduct to a UVM Reporter or directly to Title IX support staff in Affirmative Action and Equal Opportunity (AAEO), the complainant is provided with information about support resources and reporting options by the Title IX Intake and Outreach Coordinator. AAEO facilitates interim measures for students during the intake process and on an ongoing basis. The Complainant may choose to report to AAEO, Police Services, both, or neither. In most cases, the University does not formally investigate against the wishes of the Complainant, aside from limited circumstances as described in the [Procedural Guidelines](#).

Initial Assessment

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In each case, AAEO assesses whether the information complainant shared would constitute a violation of the UVM Sexual Harassment and Misconduct Policy.

In cases where an investigation is pursued, the assigned AAEO Investigator provides a notice letter to the parties, informing them that a formal investigation has been initiated. The respondent is provided with information regarding the allegations, to include a summary of the conduct alleged, the date, the location, and the name of the complainant, and the provisions of UVM policy at issue. The notice letter to both parties contains important information about support resources such as academic measures, process advisors, retaliation, and generally includes a no-contact order. A dedicated communication about support services is also sent to respondents by the Title IX Intake and Outreach Coordinator after an investigation is initiated.

Investigation Process

The respondent is then invited to an interview with the AAEO investigator. The AAEO investigator then speaks with other witnesses and gathers any potentially relevant information. The investigator compiles witness interviews and documents, and prepares the “Record of Investigation,” which contains all information that the AAEO investigator may rely on to make a decision as to whether the respondent violated the Sexual Harassment and Misconduct Policy. The parties are provided the opportunity to review the Record of Investigation and they may provide additional information. They parties may also request that certain questions be asked of witnesses or the other party. If a party raises new information that is relevant, the Investigator issues a Supplement to the Record of Investigation that contains the additional information. Once the parties have had an opportunity to review and comment on the information under review, the investigator closes the factual record and begins drafting the Final Report of Investigation, containing findings of fact and analysis on whether the policy was violated or not.

Sanctioning and Appeals

If there is no finding of policy violation, either party may appeal to the Dean of Students. The matter is closed if not altered upon appeal. If there is a finding that the Respondent violated the policy, the UVM Center for Student Conduct initiates a Sanctioning Panel that is charged with holding a panel meeting to determine an appropriate institutional response by considering the nature of the conduct and any aggravating or mitigating factors. The Sanctioning Panel’s procedures are listed [here](#). After the final decision is issued in writing, either party may appeal the final AAEO decision and/or any resulting sanction(s) imposed by the Sanctioning Panel.

3. Does your campus note a student’s involvement in a Title IX investigation on their transcript?

UVM does not note a student’s involvement in a Title IX investigation on the student’s transcript.

4. Does your campus offer any restorative justice options for students to pursue as an alternative to a full investigation?

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Yes. AAEO may facilitate informal resolutions in sexual harassment and misconduct cases, when appropriate. Informal resolutions are voluntary, and both parties must agree to participate in the process. As part of the informal resolution, parties may meet with AAEO staff, trained student conduct staff, counselors, and subject matter experts to develop a resolution that may include time and place restrictions, counseling, self-reflection, apology, community service, or other restorative justice outcomes. Forms of informal resolution that involve face-to-face meetings between the parties, such as mediation, are not available in cases involving a report of sexual assault. Additionally, the student sanctioning process for cases where a policy violation is found may entail educational and restorative measures.

5. What supports are available for survivors? Are confidential advocates available on your campus?

UVM has several confidential support resources available on campus. They include:

- Campus Victim's Advocate, Judy Rickstad:
 - The Campus Victim's Advocate provides advocacy, referrals and support for faculty, staff and students who have experienced some form of sexual violence, intimate partner violence and/or stalking. These services are provided to all members of the UVM community, regardless of race, gender identity, sexual orientation, age, income level, ability, education or other forms of identity.
- UVM Counseling & Psychiatry Services:
 - Confidential counseling services for students.
- Student Health Center
 - Confidential health care services for students.
- Employee Assistance Program:
 - Confidential counseling services for UVM employees.

UVM has additional resources to support students:

- AAEO Intake & Outreach Coordinator, Taryn Moran:

AAEO's Intake and Outreach Coordinator is available to assist individuals who have questions about the UVM process, or who are in need of interim measures such as no-contact orders, class changes, and other measures, as appropriate. The Intake and Outreach Coordinator is available to assist both complainants and respondents.
- UVM Police Services

To report criminal conduct, including sexual assault, other forms of sexual misconduct, or hate crimes - call 911 in an emergency or contact Police Services at (802) 656-3473. UVM Police Services can also assist with safety planning.
- The Mosaic Center for Students of Color
- The Prism Center for LGBTQA+ Students
- Interfaith Center
- UVM Women's Center: Including a peer support group for survivors.
- Office of International Education
- Dean of Student's Office

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UVM has excellent relationships with several community agencies that provide confidential support and assistance to individuals who have experienced sexual or relationship violence, or other types of crimes, including HOPE Works, the Vermont Center for Crime Victim Services, STEPS to End Domestic Violence, and SafeSpace (Pride Center of Vermont).

6. What is your mandatory reporting policy/practice?

UVM Policy V.7.11.2 *Sexual Harassment & Misconduct* designates “responsible employees” who are mandated to report incidents of sexual harassment and misconduct involving members of the UVM community:

Responsible Employee: Responsible Employees are individuals with legally required reporting responsibilities related to incidents of Sexual Harassment or Misconduct that involve a member of the University community (e.g. faculty, staff, student, or affiliate), as detailed in this Policy. Responsible Employees include, but are not limited to, members of UVM Police Services and contract security personnel; a supervisor, manager or higher level employee; a chair, director or dean of an academic unit; full and part-time faculty members; personnel with oversight responsibilities for students or student employees; advisors to recognized student organizations; coaches and coaching staff. Responsible Employees necessarily include individuals identified as Campus Security Authorities (“CSAs”) under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) and University policy (Campus Security Authority Operating Procedure). For purposes of this Policy, employees who have a legally recognized confidential relationship with the Complainant, such as licensed health care providers in the Center for Health and Well Being or the Employee Assistance Program, and the Campus Victim’s Advocate, do not constitute Responsible Employees. Individuals should contact the General Counsel’s Office if they have any questions about whether they or another member of the campus community is a “Responsible Employee.”

Under the Policy, Responsible Employees are required to:

Call 9-1-1 immediately if a crime or other emergency is in progress, or if there is an imminent or continuing threat of harm to persons or property.

In all other cases, upon receipt of information that an incident of sexual harassment or misconduct occurred involving members of the University community¹, the Responsible Employee MUST:

1. Immediately send an email with all information the individual knows (including names of the reporting party, alleged Respondent, individual who experienced the alleged misconduct, if different from the reporting party, and witnesses, if known, location,

¹ Responsible Employees/CSAs must also report information about any incident of sexual assault, stalking, relationship violence, and/or sexual exploitation that occurred on University property or property owned or controlled by the University, regardless of whether members of the University community are involved. Those obligations are detailed in the University Operating Procedure for Campus Security Authorities (<https://www.uvm.edu/sites/default/files/UVMPolicies/policies/campussecurity.pdf>).

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and description of the incident) to the Title IX Coordinator in AAEO at TitleIX@uvm.edu or Title9@uvm.edu, to facilitate appropriate support and institutional response; and

2. Fill out a CSA form at www.uvm.edu/police/csa in accordance with the University's Campus Security Authorities (CSAs) and Responsible Employees under Federal Law Operating Procedure.
 - a. The name of the alleged victim(s) should not be included on the CSA Form unless:
 - i. Disclosure is required by law (e.g. abuse or neglect of minors or vulnerable adults);
 - ii. The incident presents an "imminent or continuing threat of harm"²; or
 - iii. The CSA/Responsible Employee is given permission to do so.
3. Make the individual with whom they are in contact aware of their option to report the incident to local law enforcement (UVM Police Services: 284 East Avenue; 656-3473) and that UVM makes confidential and non-confidential resources available to the campus community that may be helpful to individuals who have experienced or witnessed an alleged crime, or other incident violating this Policy.

7. Do you run a Campus Climate Survey? If so, how often? What tool are you using?

Yes. UVM conducted a full campus climate survey in 2011 and most recently in 2019. UVM's Office of Institutional Research created the survey tool in collaboration with other campus partners. Student Life and Title IX staff also conduct annual smaller-scale climate surveys on issues related to sexual misconduct, through the Sexual Assault Prevention online course and survey tool required for all students.

² The University presumes as a matter of policy that incidents of relationship violence and stalking constitute a continuing threat of harm to the targeted individual, thereby requiring notification of UVM Police Services, including names of the individuals involved, to maximize both personal and campus safety, unless such notification is constrained by law (e.g. doctor-patient confidentiality).