

CHAMPLAIN COLLEGE

Student Affairs, Diversity & Inclusion

Vermont Task Force on Campus Sexual Harm Report
October 2, 2019

[Click here](#) to access the entire Champlain College Sexual Misconduct Policy

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

(Pulled from College's [Sexual Misconduct Policy](#))

A student may report an alleged incident of sexual harm to the College by submitting an electronic Sexual Misconduct and Title IX Report Form available on our website, by emailing TitleIX@champlain.edu, by telling the Title IX Coordinator or a Title IX Deputy Coordinator directly in-person, by phone, in writing, or by email, or by telling a Responsible Employee what happened-in person, by telephone, in writing, or by email. The College requires that all Responsible Employees share a report of misconduct with the Title IX Coordinator or a Deputy Title IX Coordinator (see definition of Responsible Employee in Question 6).

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.

(Pulled from College's [Sexual Misconduct Policy](#))

At the time a report is made, a complainant does not have to request any particular course of action, nor does a complainant need to know how to label what happened. Choosing to make a report, and deciding how to proceed after making the report, can be a process that unfolds over time. The College provides support that can assist each individual in making these important decisions, and will respect an individual's autonomy in deciding how to proceed to the extent legally possible. In this process, the College will balance the individual's interest with its obligation to provide a safe and non-discriminatory environment for all members of the College community.

In response to all reports of Prohibited Conduct, the College will make an immediate assessment of any risk of harm to the complainant, respondent, or to the broader

campus community and will take steps necessary to address those risks. These steps may include interim measures to provide for the safety of the individual and the campus community.

Upon receipt of a report, the College will provide reasonable and appropriate interim measures designed to eliminate the alleged hostile environment and protect the Parties involved. The College will make reasonable efforts to communicate with the Parties to ensure that all safety, emotional and physical well-being concerns are being addressed. Interim measures may be imposed regardless of whether formal disciplinary action is sought by the complainant or the College, and regardless of whether a crime is reported to Campus Public Safety or local law enforcement.

A complainant or respondent may request a No Contact Order or other protection, or the College may choose to impose interim measures at its discretion to ensure the safety of all Parties, the broader College community, and/or the integrity of the process. The College will maintain the privacy of any remedial and protective measures provided under this Policy to the extent practicable and will promptly address any violation of the protective measures. All individuals are encouraged to report concerns about potential failure of another individual to abide by any restrictions imposed by an interim measure. The College will take immediate and responsive action to enforce a previously implemented restriction if such restriction was violated.

Interim measures will be implemented at the discretion of the College, when requested and reasonably available. Potential remedies which may be applied include:

- Access to counseling services and assistance in setting up initial appointment, both on and off campus;
- Implementation of campus “No Contact Orders” administered to meet the individual needs of students involved;
- Rescheduling of exams and assignments (in conjunction with appropriate faculty and deans as necessary);
- Providing alternative course completion options (with the agreement of the appropriate faculty);
- Change in class schedule, including the ability to take an “incomplete,” drop a course without penalty or transfer sections (with the agreement of the appropriate faculty);
- Change in work schedule or job assignment;
- Change in on-campus housing;
- Arranging to dissolve a housing contract and pro-rating a refund in accordance with campus housing policies;

- Assistance from College support staff in completing housing relocation;
- Limiting an individual or organization's access to certain College facilities or activities pending resolution of the matter;
- Voluntary leave of absence;
- Providing an escort to ensure safe movement between classes and activities;
- Providing medical services;
- Providing academic support services, such as tutoring;
- Interim suspension or College-imposed leave;
- Any other remedy that can be tailored to the involved individuals to reasonably achieve the goals of this Policy.

Where the reported conduct of a student or employee may pose a substantial and immediate threat of harm to the safety or well-being of an individual, members of the campus community, or may impair substantially the performance of normal College functions, the College may place a student or student organization on interim suspension or impose administrative leave for an employee. Pending resolution of the report, the individual or organization may be denied access to campus, campus facilities, and/or all other College activities or privileges for which the individual or organization might otherwise be eligible, as the College deems appropriate. When interim suspension or administrative leave is imposed, the College will make reasonable efforts to complete the investigation and resolution within an expedited time frame.

Provisions for suspension of employees will be made in consultation with the People Center in accordance with Champlain College employment policies and practices. The Title IX Case Management Team will coordinate resolution of all reports and complaints of Prohibited Conduct defined in the Sexual Misconduct, Intimate Partner Violence and Stalking Policy. The Title IX Coordinator, a Deputy Title IX Coordinator (or designee) will conduct an initial intake assessment in all instances where the Complainant reports Prohibited Conduct, as described below.

As described below, both Parties will have the opportunity to object to the Title IX Coordinator, Deputy or designee on the grounds of bias or conflict of interest. If either of the Parties objects, the Investigation Process will be suspended, and the Title IX Coordinator, a Deputy Title IX Coordinator, or other appropriate College administrator who is not the subject of the objection, will evaluate whether or not to accept the objection. The Parties will be notified in writing of that determination. If the Title IX Coordinator or Deputy is found to have a bias or conflict of interest as to either Party, the Deputy Title IX Coordinator or Deputy will be removed and replaced by another designee. The parties will be provided with an opportunity to object to the replacement

designee as well. The College may decide to appoint other designees from within or outside of the College community to serve in the role of a Deputy Title IX Coordinator if that is deemed advisable or necessary in a particular case. The Investigation Process will resume upon the final appointment of a Designee.

In cases where the named respondent is not another Champlain student, but is a faculty member, or employee or an affiliate of the College, the Title IX Case Management Team will consult with the appropriate departments.

Initial Assessment & Intake Meeting

Upon receipt of a report, the Title IX Coordinator, a Deputy Title IX Coordinator or designee will conduct an Intake Meeting with a complainant as soon as possible after receiving a complaint. At that meeting, the following topics will be addressed, as appropriate:

- Address immediate physical safety and emotional well-being needs;
- Notify the complainant of the right to contact law enforcement and seek medical treatment (and the right to decline to do so), and the importance of preservation of evidence;
- Notify the complainant of the right to be assisted by individuals at the College in contacting law enforcement;
- Notify the complainant of confidential and non-confidential reporting options on and off campus;
- Provide the complainant with information about:
- On and off campus resources that may be available to the extent applicable, including counseling, health, mental health, victim advocacy, legal assistance (including visa and immigration assistance), student financial aid, and other available services;
- The range of interim measures and remedies that may be available to the extent applicable, including changes to academic, living, transportation, and/or working situations, or other protective measures, which are available to the complainant regardless of whether the complainant files a formal complaint with the College, Campus Public Safety or local law enforcement;
- Provide an overview of the procedural options and process;
- Explain the right to object to the assignment of a designated Deputy Title IX Coordinator or investigator(s) based on bias or conflict of interest to proceed through the Investigation Process;
- Explain that the complainant has a right to an advisor of their choice during the process and the role of the advisor;
- Assess for pattern evidence or other similar conduct if possible;

- Explain the Good Samaritan Statement;
- Explain the College's policy prohibiting retaliation;
- Explain that if the complaint involves a Clery crime, the Deputy Title IX Coordinator will notify Campus Public Safety of the report to assess the need to (1) enter the report into the College's daily crime log; and (2) issue a timely warning as defined by the Clery Act, and assure the complainant that any such reports will not include the complainant's personally identifying information.
- Following or at the meeting, the Title IX Coordinator, Deputy Title IX Coordinator or designee will provide the complainant with the above-listed information in writing.

As described in the Sexual Misconduct, Intimate Partner Violence and Stalking Policy, the complainant has the right to request that the Title IX Coordinator, Title IX Coordinator, Deputy Title IX Coordinator or designee or designee not share the complainant's name (or other identifiable information) with the respondent, or that the Title IX Coordinator take no formal action in response to the report. If the complainant makes such a request, the Title IX Coordinator, in consultation with the Title IX Case Management Team, will balance the request with its obligation to provide a safe and nondiscriminatory environment for all College community members.

The Title IX Coordinator, in consultation with the Title IX Case Management Team, will consider factors that may include but are not limited to whether there are circumstances suggesting there is a risk of the alleged respondent committing additional acts of Prohibited Conduct involving the complainant or others in the campus community, whether the College has received similar complaints regarding the alleged respondent, whether the alleged respondent has a history of arrests or records from a prior school indicating a history of violence, whether the alleged respondent threatened or appears to pose a risk of further Prohibited Conduct against the complainant or others, whether Prohibited Conduct was allegedly committed by multiple Respondents, whether a pattern of perpetration (e.g. more than one report involving a particular location or group) appears to be present, whether violence was perpetrated with or without a weapon, and whether the College possesses other means to obtain relevant evidence.

If the Title IX Coordinator determines that, in response to the complainant's request, the College can satisfy its obligations to the complainant, the College community, and the respondent without proceeding through the Investigation Process described herein, the Title IX Coordinator, Deputy Title IX Coordinator or designee, has the discretion to do so.

Absent a request for confidentiality as described above, the Title IX Coordinator, Deputy Title IX Coordinator or designee will ask the complainant general questions to get a basic understanding of the reported Prohibited Conduct. The interview will include questions to understand the key facts upon which the complainant bases the report to appropriately assess how to proceed.

Threshold Determination: Does The Complainant's Report Allege a Potential Violation of the College's Sexual Misconduct Policy?

After the conclusion of the Intake Meeting, and if the individual wishes to pursue a Formal Resolution of a complaint, the Title IX Coordinator, in consultation with the Case Management Team, will make the threshold determination of whether the reported conduct, if it were established through the procedures outlined below as having occurred, would constitute Prohibited Conduct as defined in the Sexual Misconduct, Intimate Partner Violence and Stalking Policy.

This threshold determination is not intended to screen complaints from the Investigation Process. Rather, its purpose is to determine whether the conduct as stated could constitute a violation of the College's Sexual Misconduct, Intimate Partner Violence and Stalking Policy. For example, if a complainant alleges that a respondent engaged in sexual harassment as defined by the Policy, but did not allege facts demonstrating that the conduct was sexual in nature, or on the basis of sex, the College likely would determine that the complainant's report does not allege a potential violation of the Policy.

After consultation with the Case Management Team, the Title IX Coordinator or designee will communicate the threshold determination finding in writing to the complainant. If it is determined that the reported conduct could not constitute a violation of the Policy even if established by a preponderance of the evidence through the process described below, the Title IX Coordinator or designee will advise the complainant of any other reporting options that appear to be pertinent given the nature of the reported conduct. The complainant may re-file the report with the College upon discovery of additional facts.

If it is determined that the reported conduct, if established by a preponderance of the evidence through the process outlined below, would constitute a violation of the Policy, the matter will proceed to Formal Resolution.

Resolution of Complaint

1. Informal Resolution of a Complaint

The People Center or Student Affairs may offer a person with a complaint of alleged discrimination or harassment that does not involve sexual assault the use of an informal process for resolving their complaint instead of proceeding with the formal process. The informal process is designed to encourage an open atmosphere in which human relationships may be improved; it encourages people to resolve concerns and disputes without fear of reprisal; it enables the parties to settle disputes at the lowest possible level, quickly, fairly, and impartially. The College may however decide that the informal process is not in the best interests of the parties and/or the College in cases that involve intimate partner violence and/or stalking, and in such cases, will proceed instead with the formal process. If an informal process is permitted by the College, any party or the College may decide to discontinue it and proceed to the formal process at any time before the successful conclusion of the informal process.

No official findings of facts are made about the existence of reported misconduct if the informal process concludes successfully. Rather, emphasis is placed on identifying the source of the problem(s) between the parties and exploring ways the complaint can be resolved. The People Center/Student Affairs will maintain a confidential record of the outcome of all informal resolution efforts.

2. Formal Resolution of a Complaint

a. Notice to Parties

If the Title IX Coordinator in consultation with the Case Management Team determines that the complainant's report should proceed through the investigation and resolution process, the Title IX Coordinator or designee will notify both Parties, in writing, of that decision. The Title IX Coordinator's or designee's written notification to the respondent will state facts sufficient to apprise the respondent of the nature of the allegations, including, specifically:

- Complainant's name
- Nature of the report
- Policy violation(s) alleged (e.g., sexual assault, sexual harassment, retaliation)
- Date(s) of alleged policy violation(s), if known
- Approximate time(s) of alleged policy violation(s), if known
- Location(s) of alleged policy violation(s), if known
- Brief description of allegation(s)

If the respondent has not yet been provided an opportunity to object to the designated Deputy Title IX Coordinator based on bias or conflict of interest, the Deputy Title IX Coordinator will also notify the respondent of their right to do so by contacting the Title IX Coordinator. As noted above, the complainant will have been provided the same opportunity after the Intake Meeting. A Deputy Title IX Coordinator or designee who does not have a bias or conflict of interest will be selected, under the process outlined above. The respondent will be sent a notice of investigation, a description of the policy violations being investigated, and an invitation to meet with the Title IX Coordinator or designee to review the process, resources and the role of the advisor. If the respondent does not respond to the meeting request or is unable to meet within three (3) days, the Deputy Title IX Coordinator or designee shall provide the following information in writing:

- On and off campus resources that may be available to the extent applicable, including counseling, health, mental health, victim advocacy, legal assistance (including visa and immigration assistance), student financial aid, and other available services;
- The range of interim measures and remedies that may be available to the extent applicable, including changes to academic, living, transportation, and/or working situations, or other protective measures
- An overview of the procedural options and process;
- The respondent's right to an advisor of their choice during the process and the role of the advisor in the process;
- The College's Good Samaritan Statement;;
- The College's policy prohibiting retaliation.

b. Name Investigators

The Title IX Coordinator or designee will select a trained internal or external Investigator(s) or a two-person investigative team, (which may include a combination of internal and/or external Investigator(s)) (the "Investigator(s)") to conduct a reasonable, impartial, and prompt investigation of the complaint ("Investigation"). The Title IX Coordinator or designee will notify the Parties, in writing, of the name of the designated Investigator(s). Both Parties will have two (2) business days to object to the Investigator(s)'s selection on the basis of bias or conflict of interest. If either of the Parties objects, the Title IX Coordinator or designee will evaluate whether or not to accept the objection. A similar process will be followed as to replacement Investigator(s) until an Investigator(s) without bias or conflict of interest is identified.

The Investigator(s) will commence the investigation once the time for the Parties to object has passed (or, if an objection is made, and the Title IX Coordinator or designee

decides not to accept the objection, from the time the Title IX Coordinator or designee notifies the objecting party of the determination). The Investigator(s), in consultation with the Title IX Coordinator or designee will establish a timeline and process for conducting the Investigation. The Investigator(s) will conduct the Investigation in three stages: (1) Preliminary Investigation); (2) Notice of Preliminary Report and Response; and (3) Final Report. The complainant and respondent will be notified in writing of any delays.

c. Preliminary Investigation

The Investigator(s) will begin with a Preliminary Investigation. The purpose of a Preliminary Investigation is two-fold: first, to identify and gather all relevant facts; and second, to provide the Parties with an opportunity to respond to the allegations and evidence presented before the Investigator(s) makes findings. Generally, the Investigator(s) will conduct the Preliminary Investigation in the following order:

Step One: Initial Fact-Gathering. The investigator(s) will interview Parties and relevant witnesses, and gather documentary evidence provided by the Parties and any identified witnesses. Complainant and respondent will be able to provide the Investigator(s) with the names of potential witnesses.

Step Two: Rebuttal Fact-Gathering. The Investigator(s) may conduct follow-up interviews with both Parties and witnesses based upon testimonial and documentary evidence gathered in Step One. The Parties and witnesses can expect that, in these follow-up interviews, the Investigator(s) will seek responses to specific allegations or evidence (e.g., an Investigator(s) may show one of the Parties a series of text messages between himself or herself and another witness, and ask about the content of the text messages). To the extent additional material, witnesses or evidence are identified during Step Two, the Investigator(s) will conduct additional interviews and gather additional evidence consistent with the procedures outlined in Step One. Step Two may be repeated as necessary to ensure a complete gathering of evidence.

Step Three: Preliminary Report. The Investigator(s) will prepare a Preliminary Report. The Preliminary Report is a written summary of the evidence gathered in the course of the Preliminary Investigation. The Investigator(s) will state specific factual findings in the Preliminary Report (e.g., “complainant was incapacitated” or “respondent reasonably believed that complainant was not incapacitated”). The standard for determining each factual finding is the “preponderance of the evidence,” i.e., that it is more likely than not that the factual finding is true. The Investigator(s) will not state ultimate findings as to whether the Respondent has, or has not, violated one or more of the College’s policies.

The Investigator(s) will attach as exhibits to the Preliminary Report all Interview Summaries and any documentary evidence gathered and relied upon in the Preliminary Investigation. When the Investigator(s) determines that the Preliminary Investigation is complete, the Investigator(s) will submit the Preliminary Report to the Deputy Title IX Coordinator. The Title IX Coordinator or designee may require the Investigator(s) to conduct additional investigation; if so, the Investigator(s) will conduct additional investigation consistent with the procedures outlined above.

d. Notice of Preliminary Report and Response

Once the Title IX Coordinator or designee has agreed that the Preliminary Investigation is complete, the Title IX Coordinator or designee will provide the Preliminary Report to the Parties for review. Given the sensitive nature of the information provided, the Title IX Coordinator or designee will provide the information for review in a secure manner (e.g., by providing hard-copy materials in an office designated by the Title IX Coordinator, or by providing digital copies of the materials through a protected, “read-only” web portal). Neither the complainant nor the respondent (or their advisors, including but not limited to family members and/or legal counsel) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. An advisor who fails to abide by this policy may be subject to discipline and/or may be excluded from further participation in the process. The Parties may respond to the Preliminary Report; the Parties will submit any response within five (5) days of being notified of their opportunity to review the report.

The Parties may respond in one or both of the following ways:

- The Parties may provide a written response to the Preliminary Report, or any portion of it, including each Interview Summary. The Investigator(s) will consider any written response provided by the Parties in preparing the Final Report.
- The Parties may submit a written request for additional investigation. Such requests may include, but are not limited to, the following: (1) request(s) for follow-up interview(s) with existing witnesses or the other Party to clarify or provide additional information, including offering questions to the Investigator(s) to pose to witnesses or the other Party; (2) request(s) for interviews with new witnesses; or (3) request(s) to consider new evidence. Any request for additional investigation shall explain the reason for the request.

If neither of the Parties requests additional investigation, the Investigator(s) will prepare the Final Report. If either (or both) Parties request additional investigation, the Investigator(s) will review the request(s) in consultation with the Title IX Coordinator and designee. The Investigator(s) will conduct the requested additional investigation if the

Investigator(s), in consultation with the Title IX Coordinator or designee, determine that the request(s) will assist the Investigator(s) in completing the investigation. The Investigator(s) and Title IX Coordinator or designee will assess whether investigation of the additional information requires a substantial deviation from the recommended timeframe for completion of the investigation; if so, the Title IX Coordinator or designee will notify the Parties in writing with an anticipated revised time frame.

If the Investigator(s) conduct additional investigation, the Investigator(s) will prepare an Addendum to the Preliminary Report (“Addendum”). The Addendum will include: (1) a summary of the additional investigation; (2) a statement as to whether the additional investigation changed any finding in the Preliminary Report (and, if it did, the Investigator(s) will identify which finding(s) changed); and (3) additional exhibits, to the extent the additional investigation resulted in additional documentary evidence or Interview Summaries. The Investigator(s) will submit the Addendum to the Title IX Coordinator or designee. The Title IX Coordinator or designee may require the Investigator(s) to conduct additional investigation before the Addendum is complete. Once the Title IX Coordinator or designee has agreed that the Addendum is complete, the Title IX Coordinator or designee will provide the Addendum to the Parties for review.

The Parties will have an opportunity to respond to the Addendum; any response must be submitted within five (5) days of being notified of their opportunity to review the Addendum. At the time that the Parties respond to the Addendum, the Parties have already had the opportunity to respond to the Preliminary Report in full. Therefore, the College requires that the Parties limit the scope of their Addendum response to the effect (or lack thereof) of additional evidence on the facts as stated in the Addendum.

e. Final Report

As noted above, if neither of the Parties requests additional investigation, the Investigator(s) will prepare a Final Report. If one or both Parties requests additional investigation, and the request(s) is/are granted, the Investigator(s) will prepare a Final Report once both Parties have had the opportunity to respond to the Addendum, and the Investigator(s) and Title IX Coordinator or designee are satisfied that no further investigation is required.

The Final Report will state: (1) the ultimate finding(s) (i.e., whether the Investigator(s) finds by a preponderance of the evidence that the respondent did, or did not, violate the Policy); (2) the specific factual findings in support of the Investigator(s)’s ultimate finding(s); and (3) the specific evidence upon which the Investigator(s) relied in making each factual finding. The standard for determining the ultimate finding of responsibility,

or non-responsibility, is, again, “preponderance of the evidence,” i.e., that it is more likely than not that the ultimate finding is true. The Final Report will have attached as exhibits the testimonial and documentary evidence from the Preliminary Investigation, the Preliminary Report, the Addendum (if applicable), and all of the Parties’ responses throughout the Formal Resolution proceeding. Once the Investigator(s) is satisfied that the Final Report is complete, the Investigator(s) will submit the Final Report to the Title IX Coordinator. The Title IX Coordinator will review the report and determine whether the report demonstrates, by a preponderance of the evidence that: (1) the evidence supports the Investigator(s)’s factual findings; and (2) the Investigator(s)’s factual findings support the Investigator(s)’s ultimate finding of responsibility or non-responsibility. Depending on the finding, sanctions may or may not be issued by the College.

Once the Title IX Coordinator and/or designee has agreed that the Final Report is complete, the Title IX Coordinator or designee will provide the Final Report to the Parties for review. Given the sensitive nature of the information provided, the manner in which the Title IX Coordinator or designee provides the information will be secure (e.g., by providing hard-copy materials for review in an office selected by the Title IX Coordinator, or by providing digital copies of the materials through a protected, “read-only” web portal). Again, neither the complainant nor the respondent (or any of their advisors, including but not limited to family members, legal counsel, or others who may serve as advisors) may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. An advisor who fails to abide by this policy may be precluded from further participation in the process.

If the respondent is found responsible for a violation of the Policy, the process moves to the sanction stage, described in Section E. If the respondent is found not to have violated the Policy, the investigation and resolution process concludes. At the conclusion of the investigation and resolution process, either party may appeal upon the grounds described in Section F.

E. Sanctions

If the report proceeds through investigation and resolution and the respondent is found responsible for one or more violations of the Policy (and/or other policies investigated through the investigation and resolution process), the College will issue sanctions commensurate with the violation(s).

The Title IX Coordinator and/or the Title IX Case Management team has the discretion to recommend a variety of sanctions to the Dean of Students or designee.

The Title IX Coordinator will issue a recommendation regarding sanctions:

- In cases where the respondent is a student, the Title IX Coordinator will send the recommendation to the Dean of Students or designee, who will accept or modify the sanctions and issue final sanctions. Final sanctions will be communicated to the parties simultaneously in writing.
- In cases where the respondent is a faculty member, the Title IX Coordinator in conjunction with the Vice President of Student Affairs and Institutional Diversity and Inclusion will send the recommendation to the Provost and Associate Vice President of Human Capital. In cases where the respondent is an employee or contractor, the Title IX Coordinator will send the recommendation to the Associate Vice President of Human Capital. Those offices will provide the respondent with any procedural rights outlined in any applicable contracts, handbooks or policies, before making a decision as to whether to accept, modify or reject the recommended sanctions. Those offices will notify the Parties of the final sanctions simultaneously in writing.

Remedies or sanctions for violations of the College's policy against misconduct covered by the Policy that does not constitute sexual assault, may include but are not limited to:

- verbal or written warning;
- training;
- counseling;
- probation;
- no contact order;
- no trespass order;
- suspension of a student's enrollment (with or without case-specific conditions on re-enrollment), or suspension of an employee without pay;
- dismissal from employment;
- dismissal from the College;
- temporary or permanent transfer to a different position;
- class or academic re-assignment;
- reassignment of work or academic work; or
- alteration of living or work environment.

Remedies or sanctions for violations of the College's policy against sexual assault may include:

- probation;

- suspension of a student's enrollment (with or without case-specific conditions on re-enrollment), or suspension of an employee with or without pay;
- dismissal from employment;
- dismissal from the College;
- temporary or permanent transfer to a different employment position;
- reassignment of work or academic work; or
- alteration of living or work environment.

The responsible office may consider the cumulative disciplinary history of the respondent, if any, when making sanctioning decisions.

Remedies and Non-Disciplinary, Administrative Measures

Non-disciplinary measures such as no-contact orders may be enacted or continued even in cases in which the Policy was not found to have been violated, if the Title IX Coordinator, in consultation with the Case Management Team, determines that doing so would promote a comfortable campus environment for one or more individuals.

The Title IX Coordinator has the discretion to take non-disciplinary administrative action against students to stop harassment, prevent its recurrence, and remedy its effects and/or to promote a comfortable campus environment. This may include action addressed toward the respondent, the campus community, and/or the complainant, as follows:

Respondent: Any student found responsible for engaging in Prohibited Conduct, who is not permanently separated from the College, will be required to, in addition to other sanctions consistent with the Sanctioning Guidelines, complete non-disciplinary, educational initiatives at the discretion of the Title IX Coordinator and the Vice President of Student Affairs and Institutional Diversity and Inclusion.

Campus Community: In all instances where a student is found responsible for engaging in Prohibited Conduct, the Title IX Coordinator will consider and determine whether non-disciplinary, administrative measures for the larger campus community are appropriate. Such remedial, community-based responses may include educational initiatives and/or trainings, climate surveys, targeted assessment of high-risk campus areas, or other appropriate measures.

Complainant: The Title IX Coordinator or designee will continue to provide support to the complainant as appropriate, including the ongoing provision of appropriate accommodations.

F. Appeal

Both Parties have the right to appeal decisions made through the process outlined above. All appeals must be made in writing and sent to the Office of Community Standards (communitystandards@champlain.edu) (in cases involving student respondents), the People Center (in cases involving employee and contractor respondents) or the Provost's Office and the People Center (in cases involving faculty respondents), and must specify the reasons for the appeal. An appeal of any decision must be received within five (5) business days after the parties have been informed of the decision. Appeals are heard by an Appeals Officer.

Parties may appeal on the grounds that 1) there was a procedural error that unfairly affected the outcome of the investigation and resolution; 2) there is new information that was not reasonably available during the investigation and resolution process that would have affected the outcome of the investigation and resolution; or 3) the sanctions imposed are disproportionate to the nature and severity of the offense and the cumulative conduct history of the respondent.

The role of the Appeal Officer is limited. Appeals are not intended to be a full rehearing of the reported conduct. Appeals are confined to a review of the record on the grounds stated above. The individual appealing carries the burden of proof to demonstrate that either the alleged procedural error, or the proposed new evidence, would significantly and materially impact the outcome of the proceeding, or that the sanctions imposed are disproportionate to the nature and severity of the offense and the cumulative conduct history of the respondent.

The party who submits the written appeal will be the "Appellant," and the other party will be the "Appellee." Appellee will have five (5) days to submit a response to the written appeal. At the conclusion of these time periods, the Title IX Coordinator will refer the written appeal, including the Final Report, exhibits attached to the Final Report, and any appropriate sanction letter (the "Appeal Record"), to an Appeal Officer.

The Title IX Coordinator or designee will appoint the Appeal Officer and will notify both Parties of that appointment. Both Parties will have two (2) days to object to the Appeal Officer's selection on the basis of bias or conflict of interest. The Title IX Coordinator will consider any objection on the grounds of bias or conflict of interest. If the Title IX Coordinator determines that an Appeal Officer may have bias or conflict of interest, the Title IX Coordinator will remove the Appeal Officer and designate a new Appeal Officer.

This process can be repeated as necessary so that an Appeal Officer without bias or conflict of interest is ultimately selected.

The Appeal Officer will determine whether any grounds for the appeal are substantiated. If the Appeal Officer determines that none of the grounds are substantiated, the Appeal Officer will share that determination with the Title IX Coordinator. The Title IX Coordinator or designee will notify both Parties of that outcome. If the Appeal Officer determines that one or more grounds for the appeal is/are substantiated, the Appeal Officer will take appropriate action as indicated below.

Procedural Error: If it is determined that a procedural error unfairly affected the outcome of the investigation and resolution process, the Appeal Officer may return the complaint to the Investigator(s) with instructions to correct the error, and to reconsider the findings as appropriate. In rare cases, where the procedural error cannot be corrected by the original Investigator(s) (as in, e.g., cases where the Appeal Officer determines that there was actual bias that materially affected the outcome), the Appeal Officer may order a new investigation with new Investigator(s).

New Information: If the Appeal Officer determines that new information should be considered, the complaint will be returned to the Investigator(s) to reconsider the complaint in light of the new information only, and to reconsider the original findings as appropriate. The Investigator(s) will prepare an Addendum to the Final Report, and provide the Parties with an opportunity to respond to the Addendum consistent with the opportunity to do so in the Preliminary Report and Response stage.

Sanctions: If the Appeal Officer determines the sanctions imposed are disproportionate to the nature and severity of the offense and the cumulative conduct history of the responding party, the Appeal Officer in conjunction with the appropriate Vice President may modify the sanctions.

Notification of Appeal Outcome

Appellant and Appellee will generally be notified in writing of the outcome of the appeal. The Appeal Officer's decisions are final and are not subject to appeal.

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

No.

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

The College does not specify restorative justice as an option for students pursuing an alternative to a full investigation. However, the People Center or Student Affairs may offer a person with a complaint of alleged discrimination or harassment that does not involve sexual assault the use of an informal process for resolving their complaint instead of proceeding with the formal process. Restorative justice methods are an option within the information resolution process, provided that all parties agree.

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

(Pulled from College's [Sexual Misconduct Policy](#))

The College is committed to treating all members of the community with dignity, care, and respect. Any student who experiences or is affected by conduct prohibited under this Policy, whether as a complainant, a respondent, or a third party, will have equal access to support and counseling services through the College.

The College strongly encourages individuals to report Prohibited Conduct. The College recognizes, however, that the decision to report Prohibited Conduct (to the College and/or law enforcement) can be difficult. The College strongly encourages individuals who are considering whether to report Prohibited Conduct to seek the support of confidential campus and community resources, listed below. These trained professionals can provide guidance in making decisions, information about available resources and procedural options, and assistance to either party in the event that a report and/or resolution under this Policy is pursued. These resources are available regardless of when or where the incident occurred.

There are many resources available on campus and in the surrounding community. As detailed below, there are Confidential Resources which by law cannot share information without the consent of the individual seeking assistance (in most circumstances). There are also a variety of College resources that will be discreet and private but are not considered confidential. These resources will maintain the privacy of an individual's information within the limited circle of those involved in the resolution of a complaint under this Policy.

Confidential Resources

The College strongly encourages all community members to make a report of any incident of Prohibited Conduct to the College and local law enforcement. For individuals who are not prepared to make a report, or who may be unsure how to proceed, but are still seeking information and support, there are several legally-protected confidential resources available as designated below. These confidential resources will not share information with the College or anyone else without the individual's permission.

1. On-Campus Confidential Resources:

All counselors and Health Services staff members at Champlain College are confidential resources.

Counseling Center
Skip Harris, Director
sharris@champlain.edu

Student Health Center
Annika Hawkins-Hilke, Medical Director
ahawkinshilke@champlain.edu

2. Off-Campus Resources:

Burlington Police
1 North Avenue,
Burlington, VT
802-658-2704 Ext 8

UVM Medical Center
111 Colchester Avenue
Burlington, VT
802-847-0000

Steps To End Domestic Violence
294 N Winooski Ave
Burlington, VT
(802) 658-1996 - HOTLINE

HOPE Works
(Ending Sexual Violence)

Burlington, VT
24 HOUR HOTLINE 802.863.1236 or 1.800.489.7273

Pride Center
255 S Champlain St Suite 12, Burlington, VT
(802) 860-7812

Chittenden District Courthouse
32 Cherry Street
Burlington, VT
802- 651-1950
Howard Center
208 Flynn Ave
Burlington, VT
802-488-7777

Pearl Street Youth Health Center
179 Pearl Street
Burlington, VT
802-652-1080

Vermont Legal Aid
264 N Winooski Ave, Burlington, VT 05401
(800) 889-2047

National Domestic Violence Hotline
800-787-3224
1800-799-7233
www.thehotline.org

Rape, Abuse and Incest National Network (RAINN)
800-656.HOPE (4673)
www.rainn.org

Woven Collective
Burlington, VT
<https://www.wovenvt.org/>

In addition to the confidential resources listed above, Champlain community members have access to a variety of resources provided by the College. All of the on-campus reporting options listed in Section VI above have staff members trained to support individuals affected by Prohibited Conduct and to coordinate with the Title IX Coordinator consistent with the College's commitment to a safe and healthy educational environment. While not bound by confidentiality, those resources will maintain the privacy of an individual's information within the limited circle of those involved in the Title IX resolution process.

Students, faculty and staff may also access resources located in the local community in addition to those confidential resources above. These organizations can provide crisis intervention services, counseling, medical attention and assistance in dealing with the criminal justice system. It may be helpful for survivors to have someone who can help them explore their off-campus options and guide them through legal processes; an advocate can provide assistance in this area. A local resource, HOPE Works, offers advocacy support. Faculty and staff can also access support through the Employee Assistance Program (EAP) 800-828-6025 (24 hours).

6. What is your mandatory reporting policy/practice?

(Pulled from College's [Sexual Misconduct Policy](#))

The College requires that all Responsible Employees share a report of misconduct with the Title IX Coordinator or a Deputy Title IX Coordinator. A "Responsible Employee" includes any employee who: (1) has the authority to take action to redress the harassment; (2) has the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees; or (3) a student could reasonably believe has the authority or responsibility to take action. All College employees who do not have legally protected confidentiality are considered Responsible Employees. This includes all employees with supervisory or leadership responsibilities on campus, including, but not limited to, faculty, administrators, staff members and Resident Assistants.

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

Champlain College administers the Culture of Consent Survey every two years. This survey was developed following the federal guidance put forth by the White House Task Force to Protect Students From Sexual Assault. The online survey invites to share their experiences all undergraduate students to help the College better understand the climate on campus as it relates to sexual behavior, sexual misconduct and bystander

intervention. Questions on the survey are about student's experiences at Champlain relative to unwanted sexual contact, student perceptions about what might be happening, and about bystander intervention. The first survey was administered in 2016 and then again in 2017. The institution then went to a two-year cycle and the last administration was during the 2018-2019 academic school year. Results are currently being evaluated and will be shared with the college community this fall.