

Summary of Rights and Options under VSC Policy 311-A¹

Lyndon State College prohibits dating violence, domestic violence, sexual assault (including rape, fondling, and other sex offenses), sexual misconduct (including sexually exploitative behavior), and stalking. Each of these terms is defined in VSC Policy 311-A, which is available on the Public Safety and Human Resources pages of the Lyndon State College website, and on the Employee Services tab on the portal.

Resources. Your safety is important to us. If you are the victim of any of these prohibited acts, please see Lyndon's *Sexual Assault Resource Guide* and the *Vermont Victim Services Directory* for information about counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available to victims at the College and in the community. Links to these resources are available on the LSC website: www.lyndonstate.edu

Contact information. If you feel unsafe or threatened or if you wish to report an incident, contact:

- George Hacking, Director of Public Safety, ext. 6432, ASAC 115
- Kate Roy, Associate Director of Athletics/Deputy Title IX and Policy 311 Coordinator, SHAPE G103, ext. 66439
- Kate Gold, Director of Advising Resources/Policy 311 Coordinator, LAC 324, ext. 4860
- Sandy Franz, Director of Human Resources, Vail 357, ext. 4865
- Public Safety, ext. 6452, ASAC 118
- Michele Whitmore, Associate Dean of Students/Title IX Coordinator, Johnson Campus, ext. 51452

Confidentiality. Lyndon State College is committed to maintaining your privacy to the extent that it can reasonably do so. Your communications with the counselors and healthcare providers at Health & Counseling Services (the "Brown House") shall be maintained confidentially, to the extent permitted by law. Information shared with other College employees is not confidential but will be kept securely and shared only on a "need to know" basis with those College employees who need the information to perform the duties of their position and/or in connection with investigating or adjudicating an internal complaint. Communications with law enforcement are not confidential.

Victim's options. You have the option to notify law enforcement, to be assisted by the College in notifying law enforcement, or to decline to notify law enforcement. You may inform law enforcement of an incident without making a formal criminal complaint. You may also choose to pursue a criminal complaint, a complaint through Lyndon's internal complaint process, or both simultaneously. If you choose not to notify law enforcement or file an internal complaint immediately, you have the option to do so at a later time if you change your mind. Your wishes will generally be respected, but the College may report an incident to law enforcement and/or

¹ This is a summary only. Please see Policy 311-A: *Sexual Misconduct, Domestic Violence, Dating Violence, Sexual Assault, and Stalking*, and the Chancellor's Implementing Procedures for Policy 311-A for complete details.

conduct an internal investigation on its own initiative if it believes there may be a threat to the safety or security of you, other individuals, or the broader campus community.

Preservation of evidence. Even if you decide not to notify law enforcement or the College about an incident of sexual assault immediately, you are encouraged to obtain a SANE (Sexual Assault Nurse Examiner) exam within 72 hours to preserve evidence for any future legal proceeding. You can go to the emergency room at any hospital in Vermont for a free SANE examination. Information about free medical exams and treatment is available in the *Sexual Assault Resource Guide*.

Protective measures. You may request certain protective measures, regardless of whether you choose to report the incident to campus public safety/law enforcement or pursue an internal complaint. Examples of protective measures that may be reasonably available include: changing academic or work schedules, dropping or retaking a class without a penalty, facilitating access to academic support services, changing residence hall assignments, and issuing no contact and no trespassing orders. Requests should be submitted to Kate Roy, Associate Director of Athletics and Deputy Title IX/Policy 311 Coordinator, SHAPE Center G103, kate.roy@lyndonstate.edu, 802-626-6439.

Parties' Rights. If you choose to file a Policy 311-A complaint, you and the respondent (the person against whom you are filing a complaint) have the right to a prompt, fair, and impartial process and to be assisted by an advisor of your choosing through the process. In addition, both parties have the right to receive timely and equal access to information used during the disciplinary process and to receive written notification, simultaneously, of the results of any proceeding, the procedures for appealing any results, any change to the results, and when such results become final.

Overview of the Internal Complaint Process:

1. Prepare a written statement. You can do this on your own or with the assistance of an advocate, an advisor, the Director of Public Safety, or anyone else you choose. The statement should include the date and time of the alleged misconduct, the name of the respondent, the circumstances surrounding the alleged conduct, and the identity of any person who may have knowledge or information about the incident. The statement may be submitted by email or in person to Kate Roy, Associate Director of Athletics and Deputy Title IX/Policy 311 Coordinator, SHAPE Center G103, kate.roy@lyndonstate.edu, 802-626-6439.
2. Your statement will be reviewed to determine whether the allegations, if true, would constitute a violation of Policy 311-A. If so, then the respondent will be notified in writing about the allegations and the investigatory process. You and the respondent will receive simultaneous notifications throughout the process so you will know what is happening.
3. You and the respondent will be asked to meet separately with Deputy Title IX/Policy 311 Coordinator Kate Roy to review Policy 311-A and its implementing procedures in details.
4. Two investigators will be appointed to investigate your complaint. Typically, this will involve one investigator from the Office of the Chancellor and one from the College. You may object to the chosen investigators if you believe that either has a conflict of interest or is biased.

5. The investigators will meet with you to review your statement and to ask you questions. They will ask you to identify any witnesses and any evidence that support your allegations. You may also identify questions that you would like the investigators to ask other witnesses, including the respondent. You have the right to be accompanied to the interview by an advisor of your choosing. The advisor may advise you privately but cannot act as a speaking advocate. The interview is your opportunity to share what you know with the investigators. You will not be asked about your sexual history with anyone other than the respondent.
6. The investigators will meet with the respondent. The respondent will have the opportunity to identify any witnesses and supporting evidence, as well as identify questions that the respondent would like the investigators to ask other witnesses, including you. The respondent has the right to be accompanied to the interview by an advisor of the respondent's choosing. The advisor may advise the respondent privately but cannot act as a speaking advocate. The interview is the respondent's opportunity to share what the respondent knows with the investigators. You will not have the opportunity to question or cross-examine the respondent, and the respondent will not be permitted to question or cross-examine you.
7. The investigators may interview other individuals they believe have relevant evidence.
8. Typically, the investigators will have 45 days in which to complete their investigation and prepare a report, but this may be extended in extenuating circumstances and upon written notification to you and the respondent.
9. The investigators will prepare a report and make a determination as to whether Policy 311-A was violated. You and the respondent will be given a copy of the investigators' report. Your written statement will be given to the respondent with the investigators' report (or earlier at the discretion of the investigators). You and the respondent will have the opportunity to submit a written response to the investigators' report within seven (7) calendar days. The investigators will then submit their final report and any responses submitted by the parties to the Responsible College Administrator ("RCA") (the Dean of Students if the respondent is a student or the President if the respondent is an employee).
10. The RCA will review the report and any responses submitted by the parties. Both you and the respondent may ask to meet with the RCA before the RCA makes a final determination as to whether Policy 311-A or any other policy was violated and, if so, any sanction to be imposed.
11. Both you and the respondent may appeal the RCA's decision and the disciplinary sanctions (if any) imposed.

Please do not hesitate to contact me if you have any questions.

Kate Roy
Deputy Title IX and Policy 311 Coordinator
802-626-6439
kate.roy@lyndonstate.edu