



NORWICH
UNIVERSITY®

Policy on
Sexual Misconduct,
Relationship Violence,
and Stalking

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Statement of Institutional Philosophy

Norwich University is committed to creating and maintaining a community in which all persons who participate in University programs and activities can work and/or learn together in an atmosphere free of sexual misconduct, sexual assault, domestic violence, dating violence and stalking, and the University does not tolerate such forms of misconduct and/or crime. Such forms of misconduct and/or crime are also prohibited by State and/or Federal law. It is the intention of the University to take prompt and equitable action to prevent the reoccurrence of behaviors that violate this policy.

Scope of Policy

This policy applies to faculty, staff, other employees and agents, students, and organizations receiving Norwich University funding, or that use the Norwich University name.

An individual who believes that he/she has been subjected to conduct that violates this policy is encouraged to pursue criminal charges in addition to filing a complaint with the University. Both criminal charges and University complaints will proceed independently. University procedures and sanctions can be implemented regardless of when or if criminal charges are initiated or substantiated.

Although sexual assault and sexual misconduct may be forms of sexual harassment, sexual assault and sexual misconduct as defined in this policy are handled under the procedures described in this policy, and complaints of sexual harassment that do not constitute sexual assault or sexual misconduct as defined in this policy are handled as provided in the separate student and employee policies available here: <http://www.norwich.edu/title-ix>.

Title IX Coordinator

Norwich University's Title IX Coordinator is **Stephanie Drew, Employee Relations/Equal Opportunity Officer**. Her contact information is: ext. 2144; sdrew@norwich.edu.

The Title IX Coordinator is the administrator responsible for coordinating Norwich University's efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator's responsibilities include overseeing the process for handling and responding to all complaints of possible sex discrimination, sexual harassment and sexual misconduct and identifying and addressing any patterns or systemic problems that arise during the review of such complaints. The University's Title IX Coordinator also participates in the University's handling and responding to complaints of domestic and/or dating

violence, and stalking, as defined in this policy. The Title IX coordinator or designee is available to meet with students and employees regarding these issues as needed.

General Definitions

Complainant

A complainant is usually an individual reporting conduct that would be in violation of this policy. Complainants may be Norwich University students, faculty members, or staff members, other individuals who participate in educational or other programs of the University (“covered third parties”), or other individuals who the University determines in its discretion should be allowed to act as complainants under this policy (also “covered third parties”).

In some cases (such as, for example, cases in which a person involved in an alleged incident of sexual misconduct, sexual assault, domestic violence, dating violence or stalking does not wish to participate in the process but the University decides that the alleged misconduct needs to be investigated and addressed), the University may proceed with an investigation and/or related disciplinary proceedings without an identified complainant. In such cases, the University may extend complainants’ rights as defined in this policy to affected parties to the extent deemed appropriate by the University. 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 sexual misconduct, sexual assault, domestic violence, dating violence or stalking, or who is believed by another to have been subjected to such conduct.

Respondent

A respondent is an individual alleged to have violated this policy.

Statement of Prohibited Conduct

The definitions of sexual assault, domestic violence, dating violence and stalking used in this policy are consistent with the Clery Act, as amended effective 2014. This policy further expands the list of prohibited behaviors beyond Clery requirements to include Sexual Exploitation.

In its primary prevention and awareness programs for incoming students and new employees, and its ongoing prevention and awareness programs for students and employees, Norwich University includes the definitions of sexual assault, the definition of consent in reference to sexual activity, and the definitions of domestic violence, dating violence and stalking that are used by the criminal laws in applicable jurisdictions. However, the University utilizes its own definitions of these prohibited behaviors for purposes of this policy that are consistent with the Clery Act, as amended effective 2014 (and expand upon

the Clery act as noted above), and determines responsibility for violations of University policy through its own procedures and standards of proof (that is, by a preponderance of the evidence standard), not through the procedures or standards of proof employed in the criminal justice system. The definitions outlined immediately below apply as a matter of University policy in all locations where the University operates its programs.

Sexual Misconduct

Sexual misconduct may include sexual assault, sexual exploitation, or both. Use of alcohol or other drugs does not minimize or excuse a person's responsibility for conduct that violates this policy.

Sexual Assault

Sexual assault may be either rape, fondling without consent as defined below, incest, or statutory rape, as defined in the Clery Act and below.

Rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent (as defined below) of the victim, including instances where the victim is incapable of giving consent because of his/her temporary or permanent mental incapacity.

Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law in the applicable jurisdiction.

Statutory Rape is sexual intercourse with a person who is under the statutory age of consent in the applicable jurisdiction.

Sexual assault can be committed by any person against any other person, regardless of gender, gender identity, sexual orientation, or past or current relationship status. Sexual assault may occur with or without physical resistance or violence.

Sexual Exploitation

Sexual exploitation occurs when a person takes sexual advantage of another person for the benefit of anyone other than that other person without that other person's consent, as defined below. Examples of behavior that could constitute sexual exploitation include but are not limited to the following:

- Intentional non-consensual contact with the private body parts of another person that does not meet the definition of behaviors prohibited under the definition of "Sexual Assault," above;
- Prostituting another person;

- Recording or capturing through any means images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nudity without that person's consent;
- Distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nudity, if the individual distributing the images or audio knows or should have known that the person(s) depicted in the images or audio did not consent to such disclosure and object(s) or would object to such disclosure; and
- Viewing another person's sexual activity, intimate body parts, or nudity in a place where that person would have a reasonable expectation of privacy, without that person's consent, if the individual viewing the other person's or persons' sexual activity, intimate body parts, or nudity in such a place knows or should have known that the person(s) being viewed would object to that.

Exception: Norwich University's prohibition of sexual exploitation is not intended to prohibit the use of sexually explicit materials that are reasonably related to the University's academic mission. Specifically, this section is not intended to proscribe or inhibit the use of sexually explicit materials, in or out of the classroom, when in the judgment of a reasonable person they arise appropriately to promote genuine discourse, free inquiry, and learning.

Definition of Consent

Consent for sexual activity is clear indication, either through verbal or physical actions, that parties are willing and active participants in the sexual activity. Such authorization must be free of force, threat, intimidation, or coercion, and must be given actively and knowingly in a state of mind that is conscious and rational and not compromised by alcohol or drug incapacitation.

Conduct may be considered sexual assault, sexual misconduct and/or sexual exploitation even if:

- the respondent is someone known by the complainant;
- the sexual assault, sexual misconduct and/or sexual exploitation happens on a date;
- either or both individuals have engaged in sexual touching and kissing prior to the sexual assault, misconduct or exploitation;
- either or both individuals have engaged in consensual sexual activity in the past;
- either or both individuals are under the influence of alcohol or other drugs;
- there was no weapon involved;
- there was no evidence of a struggle or resistance; or
- there are no other witnesses.

Relationship Violence

Norwich University prohibits two types specifically domestic violence and dating violence as defined below:

Domestic Violence

Domestic violence is violence committed

- a) By a current or former spouse or intimate partner of the person subjected to the violence;
- b) By a person with whom the person subjected to the violence shares a child in common;
- c) By a person who is cohabitating with, or has cohabitated with, the person subjected to the violence as a spouse or intimate partner;
- d) By a person similarly situated to a spouse of the person subjected to the violence under the domestic or family violence laws of the jurisdiction in which the violence occurred, or
- e) By any other person against an adult or youth who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the violence occurred.

For the purposes of this definition, domestic violence includes but is not limited to sexual or physical abuse or the threat of such abuse, if involving individuals who are or have been in a domestic relationship as defined here.

For the purposes of this definition, "violence" means conduct that involves the use or threatened use of physical force against a person, or creates a reasonable belief that physical force may be used against a person in the course of conduct.

Dating Violence

Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the person subjected to the violence. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse, if involving individuals who are or have been dating as defined here.

For the purposes of this definition, "violence" means conduct that involves the use or threatened use of physical force against a person, or creates a reasonable belief that physical force may be used against a person in the course of the conduct.

Dating violence does not include acts covered under the definition of domestic violence stated above.

Stalking

Stalking is defined as engaging in a course of conduct 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.

For the purposes of this definition

Course of Conduct means two or more acts, including, but not limited to, acts in which the alleged stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

Reasonable Person means a reasonable person under similar circumstances and with similar identities to the person subjected to the stalking.

Substantial Emotional Distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Examples of stalking behaviors or activities include, but are not limited to the following, if they occur in the context of stalking as defined above:

- 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.
- Use of online, electronic or digital technologies in connection with such communication, including but not limited to:
 - a) Posting of pictures or text in chat rooms or on websites;
 - b) Sending unwanted/unsolicited e-mail or talk requests;
 - c) Posting private or public messages on Internet sites, social networks, and/or school bulletin boards;
 - d) Installing spyware on a person's computer;
 - e) Using Global Positioning Systems (GPS) or similar technology to monitor a person;
 - f) Pursuing, following, waiting for, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the person;
 - g) Surveillance or other types of observation including staring or "voyeurism;"

- h) Trespassing;
- i) Vandalism;
- j) Non-consensual touching;
- k) Direct verbal or physical threats;
- l) Gathering information about an individual from friends, family, or co-workers;
- m) Accessing private information through unauthorized means;
- n) Threats to harm self or others;
- o) Defamation and/or lying to others about the person, or
- p) Using a third party or parties to accomplish any of the above.

Retaliation

Retaliation directly or indirectly against an individual for reporting, in good faith, unwelcome conduct of a sexual nature, sexual misconduct, sexual assault, domestic violence, dating violence or stalking, or for cooperating in the investigation of a complaint of such conduct, may be unlawful and violates this policy. Retaliation includes, but is not limited to, adverse actions that have a substantial adverse effect on the working or educational environment of any individual involved in the complaint or the investigation, such as:

- Intimidation;
- Reprisal;
- Ostracism;
- Actions that alter the person's assignments, assessment of his or her work, or his/her living and learning environment;
- threats, coercion, or otherwise discriminating against any individual for exercising his or her, rights or responsibilities under this policy.

Any person who believes that he or she has been subjected to such retaliation should follow the complaint resolution procedures outlined in this policy. Retaliation under this policy may be found whether or not the underlying complaint is ultimately found to have merit.

Immediate Responses to Sexual Assault, Sexual Misconduct, or Other Misconduct Covered by This Policy

The University recognizes that complainants can choose whether or not they wish to make a report of sexual assault, sexual misconduct, or other misconduct covered by this policy. The University may also have to proceed with an investigation or disciplinary action where necessary, under circumstances described below.

Once an incident or complaint of sexual assault and/or sexual misconduct is reported to the Title IX Coordinator, he or she will inform the complainant of the options of criminal prosecution, medical assistance, and use of this policy to file a complaint or report a sexual assault and/or sexual misconduct.

The Title IX Coordinator, Campus Security and/or other University personnel will assist the complainant with these contacts if requested. In addition, confidential counseling, support services, academic assistance, future security and alternative housing (for students) can be coordinated as appropriate through the Title IX Coordinator. These supports and services are described further below.

Individuals who have experienced a sexual assault or other physical assault should go immediately to a hospital emergency room for medical attention and a sexual assault examination (as applicable), and before doing so:

- should not bathe or douche;
- should not urinate;
- should not drink any liquids;
- if oral contact has occurred, the victim/survivor should not smoke, eat or brush teeth; and
- if clothes are changed, soiled clothes should be placed in a paper bag (plastic destroys crucial evidence).

Contact information for immediate response resources includes the following:

Central Vermont Medical Center Emergency Department: (802) 371-4263
Sexual Assault Crisis Team, Washington County:..... (802) 479-5577
Northfield Police:..... (802) 485-9181
Norwich Campus Security: (802) 485-2525
Norwich Counseling Services (802) 485-2134

Confidentiality

Norwich University encourages individuals to report incidents of sexual misconduct, domestic and/or dating violence, stalking and related retaliation so that they can get the support they need, and so that the University can respond appropriately. Certain Norwich employees may maintain confidentiality, but most cannot. Although strict confidentiality may therefore not be guaranteed, in all cases the University will handle information in a sensitive manner and will endeavor to protect the privacy of individuals to the extent it can do so consistent with its obligations to respond to reports of sexual misconduct, domestic and/or dating violence, stalking and/or related retaliation.

In order to avoid potential problems such as interference with the investigative process and the creation of a retaliatory environment, parties and witnesses involved in ongoing investigations are instructed not to talk about ongoing investigations.

This section is intended to inform students, faculty, staff and covered third parties of the various reporting and confidential disclosure options available to them, so that they can make informed choices about where to go for help.

Confidential Resources

A confidential resource is an individual who is legally and ethically bound to keep confidential all information shared with them in the course of providing counsel and support, except under the circumstances noted below. In general, the law recognizes and protects the confidentiality of communications between a person seeking care and a medical or mental health professional, religious advisor or trained sexual assault advocate. The medical, mental health, and religious professionals (i.e., individuals acting in their religious professional capacity through the Chaplain's Office) at Norwich, respect and protect confidential communications from students, faculty, and staff to the extent they are legally able to do so. These professionals may have to breach a confidence, however, when they perceive a serious risk of danger or threat to any person or property. In addition, medical and mental health professionals may be required by law to report certain crimes (e.g., allegations of sexual and/or physical abuse of a person under 18).

An individual who speaks to a confidential resource must understand that, if they want to maintain confidentiality, the University will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator. However, confidential resources may assist the individual in receiving other forms of protection and support, such as victim advocacy; academic accommodations; disability, health or mental health services; and changes to living, working, or transportation arrangements, as described below. An individual who initially requests confidentiality may later decide to file a complaint with the University or report the incident to local law enforcement, and thus have the incident fully investigated. These confidential resources will help to direct the individual to the appropriate resources in the event that the individual wishes to file an internal complaint with Norwich or report to the police.

Non-Confidential Resources

Non-confidential resources are all faculty or staff members, including residential life staff who are not confidential medical or counseling professionals, religious professionals acting in that capacity through the Chaplain's Office, or trained sexual assault advocates, and who are therefore not permitted to honor requests for confidentiality. Non-confidential faculty or staff who learn of an

incident of sexual misconduct, domestic and/or dating violence, stalking or related retaliation involving a student or employee are required to report that information to the Title IX Coordinator, and they are “responsible employees” to this extent.

Employees who are Campus Security Authorities are required to report certain sex offenses and other crimes to Campus Security for the purpose of compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. For more information about Campus Security Authorities, see *Norwich University’s Annual Security and Fire Safety Report*.

General inquiries to Norwich University officials about policies or procedures, and conversations in which the alleged perpetrator is not identified by name or by implication from the circumstances, may remain private. Otherwise, individuals who want to maintain confidentiality should seek a confidential resource.

Disclosure to Responsible Employees and Requests for Confidentiality

When a responsible employee learns of an incident that could constitute sexual misconduct, domestic or dating violence, stalking or related retaliation involving a student, faculty or staff member or covered third party, the responsible employee will report available information about the incident to the Title IX Coordinator.

To the extent possible, information reported to a responsible employee will be shared with others only to the extent necessary to respond to the situation and support the parties and in accordance with state and federal law.

Evaluating Requests for Confidentiality in Sexual Assault Cases

If an individual discloses an incident of sexual assault but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the University will make every effort to respect this request and will evaluate the request against its responsibility to provide a safe, non-discriminatory environment for all students, faculty and staff, including the individual who reported the sexual assault. As noted below, there are times when the University may not be able to honor the individual’s request. Further, if the University honors the request for confidentiality, the University’s ability to appropriately investigate the incident and pursue disciplinary action against the alleged perpetrator(s), if warranted, may be limited.

The University has designated its Title IX Coordinator as responsible for evaluating requests for confidentiality, in consultation as necessary with other University officials such as individuals at the Campus Security Office. Factors to be considered in determining whether confidentiality should be maintained may include but are not limited to:

- The increased risk that the alleged perpetrator will commit additional acts of sexual misconduct or other violence, such as:
 - a) Whether there have been other sexual misconduct complaints about the same alleged perpetrator;
 - b) Whether the alleged perpetrator has a history of arrests or records from a prior institution indicating a history of violence;
 - c) Whether the alleged perpetrator has threatened further sexual misconduct or other violence against the individual or others;
 - d) Whether the alleged sexual misconduct was committed by multiple perpetrators;
 - e) Circumstances that suggest there is an increased risk of future acts of sexual misconduct or other violence under similar circumstances (e.g., whether the report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group);
- Whether the alleged sexual misconduct was perpetrated or facilitated with a weapon;
- Whether the alleged victim is a minor; and
- Whether the University possesses other means to obtain relevant evidence (e.g., security cameras, information known to University personnel, or physical evidence).

The presence of one or more of these factors or other factors as deemed appropriate may prompt an investigation and adjudication under the University's policies and, if appropriate, result in disciplinary action. If none of these factors is present, the University will likely honor the individual's request for confidentiality.

Evaluating Requests for Confidentiality in Sexual Exploitation, Domestic and/or Dating Violence, Stalking and Related Retaliation Cases

In cases involving domestic violence, dating violence, stalking, and/or related retaliation, if an individual insists that their name or other identifiable information not be revealed, or asks that the University not investigate or seek action against the alleged perpetrator, the University will evaluate the request in the context of its commitment to provide a safe environment for that individual as well as all students, staff and faculty. Thus, the University may weigh the individual's request against a number of factors, including but not limited to the seriousness of the alleged conduct; circumstances that suggest there is a risk of repeated conduct; whether there have been other reports or complaints about the alleged perpetrator; the credibility and significance of existing relevant evidence; and the extent of any ongoing threat to the individual, the Norwich University community or any of its members.

If Confidentiality is Requested but Cannot be Maintained

If the University determines that it cannot maintain an individual's request for confidentiality, the University will inform the individual prior to conducting an investigation (unless extenuating circumstances are present) and will, to the extent possible, only share information with those individuals who are responsible for the University's response to the incident. Norwich will not require the individual to participate in any investigation or disciplinary proceeding, nor will it require the individual to personally report any information to law enforcement authorities. It will remain up to the individual to choose whether they personally want to participate in notifying law enforcement authorities, or would rather not do so.

If when responding to reports of sexual misconduct, domestic and/or dating violence, stalking, or related retaliation, the University determines it is obligated to take any action that would involve disclosing a reporting individual's identity to the respondent, or an action from which the reporting individual's identity may be easily determined by the respondent, the individual will be informed before the action is taken unless extenuating circumstances are present. If the reporting individual requests that the respondent be informed that they requested that there be no investigation or disciplinary action, the University will endeavor to honor this request and inform the respondent that the University made the decision to investigate the matter.

The University will take supportive measures as described below when requested and reasonably available that are designed to prevent and address retaliation against individuals whose requests for confidentiality have not been honored, and to respond to their needs for support, services and accommodations.

When Confidentiality Can be Maintained

If the University determines that it can respect the individual's request for confidentiality, the University will take action to assist the individual, to the extent possible, including the measures identified below under Services and Accommodations, where such measures are requested and reasonably available.

As noted above, individuals should be aware that if the University honors their request for confidentiality, this may limit the University's ability to fully respond to the incident, including pursuing disciplinary action against the alleged perpetrator.

Disclosure During Internal Investigations and Adjudications

The University will handle information related to alleged violations of this policy with sensitivity and discretion. However, the University may need to disclose information relating to an incident (including the identity of parties, witnesses or others) to the extent necessary to conduct a thorough, fair, and impartial investigation and adjudication process for all involved parties.

Disclosure Required by Law

The University will not include the names of complainants or other identifying information in publicly available reports that are compiled as required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, and when issuing timely warnings as required by the Clery Act, will withhold as confidential the names of such individuals.

Disclosure to Law Enforcement

In certain circumstances, the University may need to report an incident to law enforcement authorities. Such circumstances include but are not limited to incidents that warrant the undertaking of safety and security measures for the protection of the individual and/or the campus community, or situations in which there is clear and imminent danger and/or a weapon may be involved. Complainants may choose to notify authorities personally and directly with or without the University's assistance, or may choose not to notify such authorities personally.

Services and Accommodations

It is not necessary to file a complaint, participate in an adjudication process, or file a criminal complaint in order to request services or accommodations from the University. These may include but are not limited to:

- No Contact Orders restricting encounters and communications between the parties;
- Academic accommodations, including but not limited to deadline extensions, incompletes, course changes or late drops, or other arrangements as appropriate;
- Residential accommodations, including but not limited to arranging for new housing, or providing temporary housing options, as appropriate;
- Changing transportation or working arrangements or providing other employment accommodations, as appropriate;
- Assisting the individual in accessing support services, including, as available, victim advocacy, academic support, counseling, disability, health or mental health services, visa and immigration assistance, student financial aid services, and legal assistance both on and off campus, as applicable;
- Informing the individual of the right to report a crime to local law enforcement and/or seek orders of protection, restraining orders, or relief from abuse orders from United States courts or courts outside of the United States as applicable, and providing assistance if the individual wishes to do so. Norwich University will also work with complainants and others as appropriate to respect and implement the requirements of such orders on premises that it owns or controls, as necessary and appropriate.

Students and employees seeking services, protective measures, and/or accommodations should direct their request to a confidential resource or the Title IX coordinator, as appropriate. The request will be evaluated and responded to by the Title IX Coordinator or designee after consultation, as needed, with other Norwich University officials. The University will maintain as confidential any services, accommodations or protective measures provided to complainants, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the services, accommodations or protective measures.

Pursuing a Criminal Complaint

In addition to (or instead of) Norwich University's processes, any student, employee or covered third party who wishes to report a complaint of sexual misconduct, domestic and/or dating violence, or stalking under this policy may and should also pursue criminal charges with local, state, or federal law enforcement agencies. The University will offer and upon request provide assistance to students, employees and covered third parties in contacting law enforcement agencies. These options are available regardless of whether an individual chooses to file a complaint with the University. Individuals have the option to notify such agencies with or without assistance from the University, and have the option not to notify such authorities personally.

In addition to (or instead of) Norwich University's processes, individuals who are being or who may have been subjected to sexual misconduct, domestic and/or dating violence, stalking and/or related retaliation may also have the right to pursue orders of protection, restraining orders and/or relief from abuse orders from the court system. The University will support individuals if they wish to have the University's assistance in making contact with law enforcement authorities and other external resources to seek such orders. The University will respect such orders to the extent applicable. In addition, the University can also impose no-contact conditions on students, employees and third parties over whom it has some measure of control.

Medical Care and Evidence Preservation

Any individual who may be experiencing or has experienced sexual misconduct, domestic and/or dating violence, stalking or related retaliation is encouraged to immediately seek any necessary medical care and to seek help from appropriate Norwich, law enforcement and/or medical personnel, even if the individual is uncertain about whether to ultimately pursue a complaint or criminal charges, or to seek a protective order. It is important for individuals to preserve all possible evidence in case they decide at some point to do so. Therefore, if at all possible, as noted above, they should refrain from changing clothes, showering or otherwise changing their physical state after an incident, until after consulting with medical

personnel about how to best preserve evidence. They should also preserve any available physical evidence, documents, or electronic evidence (such as, for example, text messages, photographs, social media posts, etc.).

Other Policy Violations

The University's primary goals when responding to complaints of sexual misconduct, domestic or dating violence and/or stalking involving students is student safety, and to address that misconduct and prevent it from recurring. A student should not hesitate to report sexual misconduct due to a concern that the investigation process may indicate that he or she was under the influence of alcohol or drugs at the time of the incident. Violations of other University policies will be handled separately from alleged violations of this policy. The use of alcohol or drugs never makes the complainant at fault for sexual misconduct, domestic or dating violence and/or stalking.

If the report of misconduct covered by this policy also involves a report of misconduct prohibited by other Norwich University policies, the University may determine at its discretion to investigate and make decisions regarding some or all of the other reported misconduct through the procedures outlined below. Alternatively, the University may decide to investigate and make decisions about other reported misconduct through other University procedures.

Unrelated Sexual History

Information about sexual activity between a complainant and individuals who are not involved in a case under review is not considered relevant to whether this policy was violated in the case under review. Therefore, information external to any relationship between the complainant and the respondent will not be considered in the complaint resolution process outlined below.

Providing False Information

Intentionally making a false report or providing false information in connection with a report, investigation or adjudication of a matter covered by this policy will not be tolerated. A complainant whose factual allegations are truthful to the best of the complainant's knowledge, but are not found by the University's process to substantiate a violation of this policy, has not provided false information within the meaning of these guidelines.

An individual found to have intentionally filed a false report or to have provided false information would be advanced to step fourteen (14) of the Formal Investigation and Determination Process. Students may also be subject to an Honor Violation Investigation for providing false information during the complaint resolution process.

Information and Counseling

Anyone may seek advice, information, or counseling on sexual assault and sexual misconduct, relationship violence and stalking by contacting the Title IX Coordinator or an Equal Opportunity Contact Person (Contact Person). Persons who have experienced sexual assault or sexual misconduct, or are uncertain as to whether what they have experienced is considered sexual assault or sexual misconduct, are encouraged to talk with the Title IX Coordinator or a Contact Person. Contact Persons are Norwich University faculty and staff members who are trained in identifying sexual assault and sexual misconduct and handling complaints. The most up to date listing of the Contact Persons may be found at the Norwich University website <http://www.norwich.edu/title-ix> or by calling the Title IX Coordinator at ext. 2144. Additional Contact Persons may volunteer or be recommended to the Title IX Coordinator. Individuals may also contact one of the Confidential Resources identified above.

Individuals who are called to participate in the complaint resolution process are encouraged to seek counseling and support. You can meet with a Norwich University Counselor on a confidential basis by contacting the Counseling Services at ext. 2134.

Education

The University will work to educate employees and students relative to the prevention of sexual misconduct, domestic violence, dating violence and stalking. Educational programs addressing these issues will include:

- 1) primary prevention and awareness programs for all incoming students and new employees;
- 2) safe and positive options for bystander intervention;
- 3) information on risk reduction to recognize warning signs of abusive behavior;
- 4) ongoing prevention and awareness programs for students, faculty and staff who have responsibility for working with students.

Filing a Complaint with the University

The first step in filing a complaint of sexual misconduct, domestic violence, dating violence or stalking, or getting more information, is to speak with the Title IX Coordinator or a Contact Person. The Title IX Coordinator or a Contact Person is available to answer questions about sexual misconduct, domestic violence, dating violence or stalking, or to help an individual decide if he or she is experiencing one or more of these forms of misconduct, and to work to address it if it is happening. The Title IX Coordinator or Contact Person can assist the individual in deciding which route to take with the complaint: informal resolution where applicable, or formal investigation and determination.

Third Party Complaint

A person who has not experienced sexual misconduct, domestic violence, dating violence or stalking, but who has information regarding someone else who has experienced such misconduct, is expected to report that information. To make a third-party complaint, the individual is encouraged to contact the Title IX Coordinator or a Contact Person as soon as possible. Upon receipt of such information the Title IX Coordinator will make preliminary inquiries, which may include contacting the alleged victim, to determine whether further action is warranted. If a concern about these forms of misconduct is reported to the Title IX Coordinator by someone other than the alleged victim, and the alleged victim is unwilling or unable to provide a written statement or otherwise participate in an investigation, the Title IX Coordinator will have the incident investigated if sufficient information is furnished to enable the University to conduct a meaningful and fair investigation, and it is determined that conducting an investigation is in the best interests of the University. If the alleged victim provides an oral statement, the Title IX Coordinator or Contact Person may reduce the oral statement to writing, and such statement will serve as the complaint. If an alleged victim is unwilling or unable to assist the Equal Opportunity Office in the investigation process, the University's ability to respond effectively to the conduct that prompted the complaint or report may be limited.

Reports by University Officials

University officials who become aware of conduct that could be a violation of this policy have an obligation to report that information to the Title IX Coordinator. "University officials" include, for purposes of this policy, all Norwich employees. This reporting obligation does not override applicable laws and policies on confidentiality of communication with mental health professionals, physicians, clergy, attorneys, and the like. If a University employee fails to cooperate with, or interferes with, a University investigation, that employee will be subject to disciplinary action up to and including dismissal.

Complaint Resolution Process Options

When information about an incident of sexual misconduct, domestic or dating violence or stalking is brought to the attention of the Title IX Coordinator, he or she will contact the complainant to explain the policy and complaint resolution process options. The Title IX Coordinator may be excused from carrying out his/ her duties under the policy in the event of a conflict of interest or other legitimate reason. In the absence of the Title IX Coordinator, the Director of Human Resources will assume the role of Acting Title IX Coordinator, or will appoint an Acting Title IX Coordinator, for purposes of the case.

Informal Resolution

The aim of informal complaint resolution is not to determine whether there was intent to engage in conduct in violation of this policy, but rather to ensure that the alleged offending behavior ceases and that the matter is resolved promptly at the appropriate level. The assumptions underlying this form of resolution are that both parties perceive a problem (although they may define the problem differently), that both share a common interest in solving that problem, and that together they can negotiate an agreement that will be satisfactory to everyone involved. The focus is on what will happen in the future between the parties, rather than on what has happened in the past. No sanctions are imposed in resolving informal complaints. If at any point during an informal resolution of a complaint, either the complainant or the respondent communicates dissatisfaction with the process or resolution and the Title IX Coordinator deems it appropriate, the Title IX Coordinator can terminate the informal resolution and begin a formal investigation and determination process.

Informal complaint resolution will not be used in cases that involve reports of information that, if true, would constitute sexual assault.

Mediation

If agreed to by both the complainant and the respondent, mediation by an internal or external third party may be used as a form of informal resolution. It can be helpful in setting boundaries for future contact, for instance, including whether the parties may contact each other at all, specifics on who uses what lab at what time, etc. The most important outcome of mediation is that both parties agree to the resolution.

Many people think that in order to mediate, they need to sit face to face and talk. Mediated resolutions can be worked out without the parties ever meeting together, by the mediator talking with each party in turn and relaying what they are willing to agree to each other. Mediation may also be used following the outcome of a formal investigation and determination to work out the details of future contact.

Mediation will not be used in cases that involve reports of information that, if true, would constitute sexual assault.

Formal Investigation and Determination

A request for a formal investigation of an allegation of sexual assault or sexual misconduct should be addressed to the Title IX Coordinator or to any one of the University Contact Persons. If the complaint allegations, assuming factual support, could constitute misconduct in violation of this policy, the Title IX Coordinator may nonetheless elect not to investigate for reasons which could include, but are not limited to, that (1) the alleged sexual assault or sexual

misconduct occurred so long ago that the University cannot practically conduct a meaningful, fair investigation; or (2) the person against whom the complaint is made is no longer associated with Norwich University as of the time the complaint is filed. This decision will be made by the Title IX Coordinator in the exercise of his/her reasonable discretion. If the decision is made not to investigate a complaint, the complainant has the right to appeal as described in the APPEAL section below.

The complainant has the right to withdraw the complaint in writing at any time, although if the University believes a violation of this policy has occurred, it may be required by law to, or may decide in its discretion to, continue the investigation on its own.

Once a complaint has been filed and a formal investigation deemed appropriate, the following procedure will ordinarily be used:

1. The Title IX Coordinator will assign or retain an investigator. If appropriate, the Title IX Coordinator may elect to have a complaint investigated by an external third party. If the Title IX Coordinator is unable to serve, or serves as the Investigator, the Director of Human Resources will assume the role of Acting Title IX Coordinator and will carry out the responsibilities of the complaint resolution process as outlined in the policy. The complainant will be notified in person or in writing of the identity of the Investigator.
2. The Title IX Coordinator will attempt to meet with the respondent to inform him or her that a complaint of misconduct in violation of this policy has been filed and that a formal resolution is desired. Should the respondent admit to the charges as described by the complainant, the process will then continue at step fourteen (14) of the complaint resolution process and the investigation will be terminated.
3. The Title IX Coordinator will advise the respondent by letter that a formal charge of misconduct in violation of this policy has been brought against him or her and that he or she is not to contact the complainant regarding the complaint or to otherwise engage in any retaliatory conduct directly or through others. With the letter, the Title IX Coordinator will send a copy of this policy to the respondent. This package will be marked "confidential" and will either be sent electronically or sent to the mailing address of the respondent. The name of the Investigator will be included in this letter. While respecting the need for discretion to the extent appropriate, the Title IX Coordinator will notify appropriate faculty or administrators as necessary that the University is conducting an investigation into an alleged violation of this policy.
4. The complainant or the respondent must notify the Title IX Coordinator in writing within two (2) business days of the Investigator being

identified if he or she believes that the Investigator cannot be objective and fair or would be biased or have a conflict of interest, and must also state at that time the reasons for that belief. The Title IX Coordinator will review the objection and within two (2) business days, in his/her discretion, determine whether a different Investigator will be assigned. If a new investigator is to be assigned to the complaint, both parties will be notified in writing.

5. The respondent may, but is not required to, respond in writing after receiving notification of the complaint. Any such written responses will be addressed to the Investigator. The respondent will have an opportunity to meet directly with the Investigator and to offer whatever he or she would like in explanation.
6. The investigation will be conducted as promptly as possible without compromising thoroughness. The Investigator is expected to (1) Perform the investigation and make his or her findings in a prompt, fair and impartial manner, (2) Investigate the complaint thoroughly and expeditiously, and (3) Submit a written investigation report to the Title IX Coordinator in a timely manner. It is expected that the Investigator will strive to complete his or her report on the case within thirty (30) days of receipt of the formal complaint, although the investigation may take longer depending on the complexity of the case, the availability and number of witnesses, timing issues (such as intervening semester breaks or holidays), and other good cause. If the timeframe for the investigation is extended for good cause, the Title IX Coordinator will provide written notice to the parties regarding the extension and the reasons for the extension. The Investigator is authorized to contact any and all individuals, without limitation. The Investigator is authorized to access relevant records, including personnel, grievance and student records, except those deemed confidential or privileged by law.
7. The complainant and respondent will be asked to identify all witnesses with whom they wish the Investigator to speak. The Investigator will interview those witnesses who are believed by the Investigator to have first-hand knowledge of the incident or otherwise relevant information. The Investigator is not otherwise required to interview any particular witness, even if identified by one of the parties.
8. The respondent and the complainant will be provided with the same opportunities to have others present during interviews or meetings related to the investigation. The respondent and the complainant may each elect to have an advisor of choice present with them at investigatory and other process-related meetings to provide support, guidance or advice. The advisor may not speak or otherwise represent their advisee during interviews or related meetings. Individuals who wish to bring an

advisor to an interview must notify the Title IX Coordinator at least 24 hours in advance of their intent to bring an advisor. A Contact Person (including the one who initially received the complaint) may act as an advisor.

9. Both parties will be provided with timely and equal access to any information that will be used during the investigation.
10. Both parties will be provided with timely notice of any meetings related to this process that they are expected to attend.
11. The Investigator may consult as deemed necessary with forensic, medical, technological or other experts regarding issues relevant to the investigation.
12. At the conclusion of the investigation, the Investigator will send a copy of the findings and report to the Title IX Coordinator. If the report is accepted (that is, not returned for further fact finding or clarification within 7 days), a copy will also be sent to the respondent and the complainant. The report will detail findings of the facts regarding the complaint and make recommendations about whether or not this policy was violated. The Investigation file will be secured in the Equal Opportunity Office. Documentation in the file regarding students is protected under the Family Education Rights and Privacy Act (FERPA) and is not any one single participant's educational record.
13. Both the respondent and the complainant will have an opportunity to respond to the report, in writing, within seven (7) days of receipt. Copies of responses should go to the Title IX Coordinator and to the Investigator. The Title IX Coordinator will consider the responses to the Investigator's report. The Title IX Coordinator may, in his or her discretion, request that the Investigator clarify the Investigator's report or perform additional investigation upon receipt of the responses from both parties. The Title IX Coordinator may also call in any of the parties to confirm or clarify points covered in the Investigator's report, or in the responses to the Investigator's report, after the Investigator's report has been accepted. The Title IX Coordinator is not bound by the investigation report; rather, the report is advisory to the Title IX Coordinator, and in determining whether a violation of the policy occurred, the Title IX Coordinator must conclude that misconduct in violation of this policy has been proven by a preponderance of evidence; i.e., that it was more likely than not that misconduct in violation of this policy occurred.
14. The Title IX Coordinator will determine whether or not a violation of the policy has occurred and decide what sanctions shall be imposed. Substantiated prior complaints may not be used to substantiate the current complaint; however, substantiated prior complaints may be

considered by the Investigator and/or the Title IX Coordinator to the extent relevant in assessing the credibility of the person accused, ascertaining if a pattern of conduct exists, and/or determining whether and what level of disciplinary action is appropriate. Information regarding substantiated past complaints will not be made available to the complainant and third parties other than the Investigator and persons having administrative responsibility under these procedures, except as permitted or required by law.

15. The Title IX Coordinator will simultaneously notify the complainant and the respondent in writing of the result of the investigation, which will include the rationale for the result and any sanctions.

16. This written notification will include information about: the University's procedures for the parties to appeal the result and/or sanction, to the extent that an appeal is available; any change to the result; and when such results become final.

The time periods prescribed in this document for actions by the Title IX Coordinator or the Investigator are intended not as rigid rules, but rather as guidelines to which all are expected to adhere in good faith to the extent practicable. The Title IX Coordinator may exercise reasonable discretion to extend deadlines when he or she considers that action necessary or appropriate, and will provide notice to the parties if that occurs, as discussed above.

Appeal Process

The appellate authority for this policy is the Chief Financial Officer (CFO). Both parties shall have the right to appeal as follows:

All appeals should be typed and should contain justification to support one or more of the following reasons for the appeal:

- The introduction of new evidence;
- That the evidence was/was not sufficient to support a policy violation. That due process was not provided; and/or
- The sanctions were not appropriate to the violation.

Appeals must be submitted in writing within five (5) business days of receipt of the notification of the decision. An appeal will not be considered if submitted after the allotted five (5) business days have elapsed. The appellate authority will hold a meeting with the appealing party after reviewing the complaint, the investigation report, and the written appeal. The other party may also submit a written response to the appeal and may appear before the appellate authority if he or she wishes to do so. The meeting(s) will take place within ten (10) business days of receipt of the appeal, unless this timeframe is extended for good cause with notice to the parties. The appellate authority can either uphold the decision

of the Title IX Coordinator or overrule that decision in whole or in part. The appellate authority will consult with individuals as deemed necessary in order to reach his/her decision. The appellate authority will communicate his/her decision to the complainant and respondent in writing within ten (10) business days of the date of the hearing with a copy to the Title IX Coordinator.

The CFO may make a request to the President to be excused from the role of appellate authority. In the event that the President excuses the CFO, or in the absence of the CFO, the President shall appoint an alternative appellate authority. The complainant or the respondent must notify the President in writing immediately if he or she believes that the appellate authority cannot be objective and fair, and must also state at that time the reasons for that belief. The President will review the objection and, in his/her discretion, determine whether a different appellate authority will be assigned.

Sanctions

If it is determined that this policy has been violated, sanctions will be reasonably calculated to attempt to prevent reoccurrence and allow the victim/complainant to reach full potential in the performance of his or her assigned job or educational pursuits. Prior violations of University policy and sanctions will be taken into consideration in determining appropriate sanctions. Sanctions may include any of the following:

- Change of job or class assignment (e.g., removing a person from being in a position to retaliate or further affect the victim/complainant);
- Advice or counseling;
- Writing a letter of apology to the complainant;
- Mandatory attendance at an appropriate educational class;
- Written reprimand or other form of discipline documented in writing;
- Mandatory attendance at an appropriate educational class (at the expense of the respondent);
- Relevant community service;
- Prohibiting a student from holding office or participating in student activities, including sports, for a specified time;
- Transferring a student to different housing or banning him or her from University housing facilities;
- Probation;
- Suspension (with or without pay); or
- Termination or dismissal.

In addition to the above-listed potential sanctions, a respondent, or any other party, may at any time be referred to other University disciplinary processes

because of information obtained from the complaint resolution process. Non-disciplinary measures as deemed appropriate in the discretion of the University (including but not limited to no-contact orders or housing relocation) may be implemented, even in cases where a policy violation was not found.

Questions

Questions or concerns about this policy should be directed to the Title IX Coordinator. This policy is subject to change to comply with changes in relevant laws or University operating procedures.

The most up to date information about Norwich University Equal Opportunity Contact Persons in addition to emergency contact information can be found at: *<http://www.norwich.edu/title-ix>*.

This policy supersedes all previous Norwich University policies that covered some or all of the areas covered in this policy.



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