



NORWICH  
UNIVERSITY®

2019

ANNUAL  
SECURITY  
AND  
FIRE SAFETY

REPORT FOR 2018



## PUBLIC SAFETY

The Norwich University Department of Public Safety, provides a 24-hour physical security presence 365 days a year. The Public Safety office is located in the southwest entrance of the Hayden Building. From an off-campus phone, public safety personnel can be contacted by dialing (802) 485-2525/2499. On-campus callers can reach Public Safety by dialing x2525 or 2499.

Norwich University's Department of Public Safety has only those enforcement powers as designated by the President of Norwich University. Department of Public Safety officers do not have law enforcement powers or arrest authority. An excellent working relationship exists with state and local law enforcement agencies. No Memorandum of Understanding exists between Norwich University and the Northfield Police Department. Reports of crime will be investigated by the Department of Public Safety and/or local law enforcement agencies. Information about Violations of Law/Safety Concerns is found in the Student Rules and Regulations <https://www.norwich.edu/pdfs/2019-Student-Rules-Regs-NUSRR.pdf>, Chapter 3, Section XVIII and reads as follows:

### SECTION XVIII – Violation of Law/Safety Concerns

- A. A student who suspects the theft of property (e.g., jewelry, a camera, a computer, money, a bicycle) should call the Department of Public Safety, x2525. The Department of Public Safety will respond to the scene, conduct a preliminary assessment, gather statements, and offer the student the opportunity to have the police contacted and brought to campus.
- B. A student who has safety concerns of any type should call the Department of Public Safety, x2525, as soon as possible. The Department of Public Safety will conduct a preliminary assessment and determine the appropriate response which may include calling for police assistance.
- C. Cadet Guard Room: The cadet guard room, located on the second floor of Jackman Hall, Room 214, is staffed from 4:30 pm to 7:00 am Monday-Friday and 24 hours on Saturday and Sunday during the regular academic semesters. It is staffed from the Sunday night following return from a break until the start of reading day to the exam period. The cadets on duty provide information and assistance as needed by all university faculty, staff, students and visitors to campus. The Guard Room can be reached at ext. 2589.

## CRIME REPORTING

Students are encouraged to report all violations and criminal activities to the Department of Public Safety and/or officials within the Office of Student Affairs. During orientation, students are instructed on the procedures for contacting the Department of Public Safety. The Department of Public Safety will investigate all complaints and act on them in an appropriate manner. Norwich University does not have a confidential reporting process in place for pastoral or professional counselors to report for statistical purposes.

Norwich University does not have any off campus student organizations to monitor for crime reporting purposes.

- **Annual Security Report:** The annual security report and crime related statistics are published electronically and in hard copy. This report is available to any member of the campus community. The detailed annual crime statistics, forwarded to the Department of Education, is available at the website: <https://www.norwich.edu/public-safety/>. The current Norwich University Crime Statistics Report is included in this pamphlet. This report is updated annually and contains the Norwich University crime statistics for the past three years. This report represents crime and good faith reports of crime, reported to Norwich University officials, alleged to have occurred

on campus, non-campus and public property. The annual crime statistics report is compiled by the Chief of Public Safety. The Chief of Public Safety receives crime statistics data via the Department of Public Safety Incident reports, Student Affairs, Equal Opportunity Officer/Title IX Coordinator, and the Northfield Police Department. The Chief of Public Safety compiles the reported crimes and cross checks each report to insure the reports are accurate. The annual security report is accessible online: <https://www.norwich.edu/public-safety/>. In addition, hard copies of the annual security report are provided to the Dean of Students and the Admissions office. The Department of Public Safety holds hard copies of the report for distribution when requested. The entire Norwich community is notified by electronic notice and individual emails when the most current annual security report is available.

### ***Definitions of locations:***

#### **On Campus:**

- The building is owned or controlled by Norwich University and is located within the confines of the main campus.
- The building is owned by Norwich University, but is controlled by a student organization and located within the confines of the main campus.

#### **Non-campus:**

- A building owned or controlled by Norwich University and located off campus.

#### **Public Property:**

- Those areas, including thoroughfares, streets, sidewalks, and parking facilities, that are within the campus, or immediately adjacent to and accessible from the campus but not owned by Norwich University.
- **Timely Warnings/Crime Alerts:** Timely Warnings are issued whenever there is an ongoing threat of crime or danger to the Norwich University community. If circumstances warrant, Timely Warnings/Crime Alerts are prepared and distributed throughout the campus via electronic notices, campus wide emails, and posted notices at residence halls and campus buildings.

Timely Warnings are initiated by the Department of Public Safety and/or Student Affairs with the assistance of the Office of Communications and are released as rapidly as possible, but accuracy of the alert is a priority.

Whenever Norwich University deems that crime prevention information should be passed to the faculty, staff and student population, a “Norwich Notice” is electronically published on [my.norwich.edu](http://my.norwich.edu).

- **Residence Hall Safety:** Crime and fire prevention presentations are made available to resident coordinators/advisors and cadet leadership. Students have been briefed and are required to keep their residence hall rooms locked at all times. Entrances and exits are locked 24 hours a day by an automated card access control. Authorized personnel and students are allowed access through their identification cards.
- **Facilities Surveys:** Comprehensive surveys of exterior lighting, exterior doors and grounds are conducted by the Facilities Operations Department throughout the year.

## **EMERGENCY MANAGEMENT**

- **Emergency Siren:** An emergency siren is located on the roof of Chaplin Hall. When activated, the siren will emit a wailing sound, which indicates to shelter in place. At the

conclusion of a test or emergency, a steady tone, from the siren, means all is clear. The siren also has a public announcement capability. The Wise Campus Center, Andrews Hall, Doyle Hall, Kriezberg Arena, Shapiro Field House and Mack Hall are configured with an internal emergency speaker notification to advise occupants to shelter in place.

- **Web-based Notification System:** All faculty, staff, and students are strongly encouraged to register their contact information in order to be notified through the RAVE web-based notification system. Once registered into the system, messages can be transmitted via email, telephone, and SMS (text messaging). Registration is accomplished by logging into my.norwich.edu, followed by Banner Web. Sign in and click on “Personal Information”. Scroll to and click on “View/Edit Your Emergency Notification System Information.”
- **Broadcast Message:** Information Technology has the capability to broadcast a message through the Norwich University voicemail system to all employee campus extensions.
- **Alert Phones/Blue Lights:** When activated (button on unit is pushed), the on-duty security officer is contacted. Locations for Alert Phones/Blue Lights are as follows:

<u>Light Location</u>	<u>Specific Spot</u>
Lot A	Left corner of lot
Dalrymple Hall Loading Area	Right entrance corner
Dalrymple Stairs to South	Top of stairs going down to SH
Lot B Blue Light	Bottom corner of lot entrance
South Hall Stairs	Bottom of stairs
South Hall Bollards	Near bollards
Library Parking	Behind lot on north side of SH
Lot C	Middle of left side of lot, next to stairs
Between Lots C and D	Island between lots
Lot D	Middle right of lot
Lot G	Next to the walkway
Doyle Hall	In front of Doyle entrance
Jackman North Parking	On left side of lot next to green box
Mack Lot Stairs	Next to lot stairs, fire lane side
WCC Parking	Left side of lot behind WCC
WCC	Next to the quad
Cabot Hall	On road, before loading dock
Dodge Hall	Behind Dodge
Dewey/Mack	Plaza area
Ainsworth	Straddles Ainsworth and Chapel
Plumley Armory	In front of Sabine Field
GMFP	On right side of lot of GMFP
Chaplin Hall	Behind Chaplin, top stairs to Shapiro
North Hall	Behind North, facing Mack
Hassett House	Behind building, facing Hayden
North Hall Courtyard	Southern end of courtyard

- **Emergency Notification Process:** The Department of Public Safety duty officer is authorized to start the emergency notification procedures in case of an emergency or dangerous situation involving an immediate threat to the Norwich University community. When time permits, the Norwich University Incident Command Team will convene and determine a course of action and communicate to the Norwich University community. The Chief of Public Safety or designee, in consultation with University senior leadership, makes the decision whether to issue a timely warning on a case-by-case basis in light of all the facts surrounding the incident. Timely warnings are issued as soon as possible after the Department of Public Safety is notified; however, the release of the warning is subject to the availability of accurate

facts concerning the incident.

- **Testing:** Norwich University conducts at least one test a year of the emergency notification system to ensure the equipment is operable. The emergency siren sounds and the “test” is announced. A web based notification system test message to the Norwich community is conducted twice per academic year. The test is conducted in conjunction with the test of the siren. To date, these “announced” tests have tested the equipment and familiarized the campus community with the emergency notification media.
- **Evacuation:** In case of building fire or other emergency, the Wise Campus Center is designated as the primary rally site. The alternate site is the White Chapel. Fire evacuation drills are conducted at the beginning of the semester.
- **Incident Command:** On March 27, 2018, Norwich University conducted an emergency shelter in place drill and test of the notifications systems for an on-campus emergency. Local police attended and observed the drill. Both systems worked as designed, although modifications were needed to be made to the internal audible message.
- **Exercises:** During the spring semester, prior to Junior Weekend, a DUI Demonstration & Emergency Response Simulation was conducted on the road/walkway in front of the Wise Campus Center. This exercise was coordinated and conducted by the Norwich University Emergency Medical Service and the Northfield Ambulance Service. In addition to the medical first responders, the Northfield Fire and Police Departments participated.

## MISSING STUDENT NOTIFICATION PROCEDURES

- **General:** Institutions providing on-campus housing must establish a missing student notification policy and procedures for those who reside on campus. Among other things, the student must be given the option to provide confidential contact information for a person to be notified in the event the student is officially reported as missing. This will be accomplished each year at in-processing.
- **Administrative Actions:** If Department of Public Safety/Residence Life/Office of the Commandant officials determine that a student for whom a missing person report has been filed has been missing for more than 24 hours, then within the next 24 hours they must:
  - a. Notify the individual identified by the student to be contacted in this circumstance;
  - b. If the student is under 18 years old, notify a parent or legal guardian; and
  - c. In cases where the student is over 18 years old and has not identified a person to be contacted, appropriate law enforcement officials will be notified.
- **Student Actions:** The student population has the responsibility to notify Residence Life or Corps leadership of any suspected missing person. This information will immediately be provided to the Dean of Students or Commandant as appropriate for verification.
- **Process:** Any missing person report must be verified internally and then the Dean of Students or Commandant of Cadets (as appropriate) will make the phone calls notifying the appropriate contact people/law enforcement, etc.

## SECURITY AND SAFETY AWARENESS PROGRAMS

Programs designed to inform students about campus security and safety are initially presented at student orientation. This subject is also included in the student handbook.

The *Department of Public Safety* provides support services to the University community. These services include:

- a. Registering student, faculty and staff motor vehicles.

- b. Assisting campus motorists with minor vehicle problems.
- c. Maintaining a lost and found department.
- d. Offering after hours assistance with room lockouts.
- e. Escorting people to cars or from building to building upon request.
- f. Taking measures to ensure that all Department of Public Safety Officers are CPR certified.
- g. Distributing web-based notifications for changing parking schemes due to weather, construction, etc.
- h. Distributing web-based security/safety notifications to the University community.
- i. Department of Public Safety provides Safety/Emergency briefs for new employees and upon request.

## SEX OFFENDER REGISTRY ACCESS

The Campus Sex Crimes Prevention Act of 2000 requires universities to issue a statement advising the campus community where the law enforcement agency information provided by the state, concerning registered sex offenders may be obtained. In Vermont, the information is available at the, Vermont Sex Offender Registry 45 State Drive Waterbury, VT 05671-1300 (802) 241-5400 Fax: (802) 241-5552 DPS.SOR@vermont.gov

## SECURITY OF AND ACCESS TO CAMPUS FACILITIES

Norwich University is an open campus. Campus buildings are locked and unlocked by the Department of Public Safety. Residence Halls are on a card access system and do not require manual key operation. Maintenance, conducted by Norwich University staff, is conducted throughout the work day throughout all campus buildings. Norwich University maintenance personnel conduct repairs in residence halls throughout the academic year. Outside maintenance personnel are escorted to the residence halls by Norwich facilities operations. Norwich personnel may or may not remain on site with the worker.

Student residence hall keys and room and building security information is located at: [http://about.norwich.edu/wp-content/uploads/student\\_rules\\_regs.pdf](http://about.norwich.edu/wp-content/uploads/student_rules_regs.pdf), Chapter 4, Section V and is printed in its entirety as follows:

### SECTION V – Keys and Room and Building Security

- **Keys:** All students are issued a key to their room. All students are responsible for the security of their room and for assisting in the security of their residence hall. It is essential that students lock their rooms for personal safety. Lost keys should be reported at once to the Housing Office or the Director of Residential Life. Students will turn in their keys when they check out of their room. There is a \$35.00 fee for each replacement key and for keys that are not returned at check out. To maintain campus security, students are prohibited from duplicating keys. All rooms must be locked when no occupants are present.
- **Entry Doors:** All residence hall entry doors are on the card access system and are locked 24 hours a day. All students have access to each dorm from 7:00 AM to 10:00 PM during the day. Starting at 10:00 PM students only have access to their assigned residence hall.
- **Room Safety and Security:** Safety and physical security is of highest priority for all members of the Norwich community. Doors must be locked when the room is unoccupied or if all occupants are asleep. Room occupants each will be fined \$10.00 for rooms found unlocked. Occupants have 24 hours after receipt of fine to appeal to the Director of Residential Life or Assistant Commandant. Occupants who do not have their room key must report to the Housing Office or the Director of Residential Life for a temporary or permanent key issue.

- **Room Lock Out Policy:** Students locked out of their room during business hours, Monday - Friday, 8:00 AM-4:30 PM, must report to the Housing Office for a temporary key. After business hours, students must contact the Department of Public Safety, x2525. Department of Public Safety officers will only give students access to their own room and require that students provide ID to verify occupancy. Department of Public Safety officers will not give access to any room except the one to which the student is assigned. NOTE: The student Residence Life staff are not allowed to provide entry to rooms under any circumstances.
- **Unauthorized Entry:** No student will forcibly enter any room or building on University property. No student may enter a barracks or residence hall room except the one they have been assigned unless the occupant is present and has given permission to enter. If a student is asked to leave a room by the assigned occupant, he or she is obligated to depart immediately.
- **Student Property Insurance:** Norwich University is not responsible for missing, stolen, or damaged goods in the barracks and residence halls. Students must lock their rooms and are encouraged to secure private personal property insurance.

## WEAPONS POSSESSION

The unauthorized possession, use or sale of firearms, ammunition, fireworks, major or minor explosives or any lethal weapon is forbidden and subject to University discipline as well as criminal sanctions. Any instrument that propels a projectile such as air soft, BB, paintball guns, slingshots etc., are considered weapons. Weapons Policy is located at <https://www.norwich.edu/pdfs/2019-Student-Rules-Regs-NUSRR.pdf>, Chapter 3, Section XVI and is printed in its entirety as follows:

### SECTION XVI – Weapons and Firearms

Students are prohibited from possessing or using weapons (fighting tools) on University grounds. Prohibited items include, but are not limited to, the following:

- a. Firearms and ammunition (real or facsimile) or components thereof.
- b. Edged weapons with blades longer than three inches.
- c. Bows, crossbows, slingshots, and similar devices that deliver a projectile.
- d. Hatchets, axes, and similar sharpened tools that possess a honed edge.

The only exceptions to this policy are:

- a. Weapons temporarily issued to students under the authority of the SVPSAT, Commandant, or Commanding Officers of the ROTC units for the purpose of conducting scheduled training.
- b. Paintball equipment in authorized areas for sanctioned events as defined by the Director of Student Activities. Paintball equipment is never authorized in student housing areas.

## ALCOHOL AND CONTROLLED SUBSTANCES

A statement of policy concerning alcohol and drugs is found in the student and employee handbooks. The unauthorized possession, use or consumption of any controlled substance or related paraphernalia is prohibited on campus. The possession or consumption of alcoholic beverages is prohibited on University property except in designated areas or at events where the University's licensed caterer serves alcoholic beverages. The Norwich University Alcohol Policy can be read in its entirety at: <https://www.norwich.edu/pdfs/2019-Student-Rules-Regs-NUSRR.pdf> Chapter 3, Section I. The Norwich University Policy on Controlled Substances can be read in its entirety at <https://www.norwich.edu/pdfs/2019-Student-Rules-Regs-NUSRR.pdf> Chapter 3, Section IV.

Both policies are printed in their entirety and read as follows:

## **SECTION I – Alcohol Policy**

**A. VERMONT STATE LAW:** The legal age of consumption is 21 years of age in the State of Vermont. It is therefore against the law to possess or consume alcohol, under the age of 21, on or off campus, anywhere in Vermont. The State of Vermont prohibits those under 21 from misrepresenting their age for the purpose of procuring, possessing or consuming alcoholic beverages. The State of Vermont also prohibits a person of any age from selling, giving or causing to be sold or given alcoholic beverages to a person less than 21 years old.

**B. GENERAL:** Norwich University requires that students conduct themselves in a lawful, responsible manner at all times whether on or off campus. We expect our students to obey all Federal and State Laws and behave in accordance with the law and Norwich University regulations that pertain to alcohol. A student who decides to consume alcohol assumes full responsibility and consequences from its use or abuse, and his or her subsequent actions, both on and off campus. The possession or furnishing of alcoholic beverages anywhere on Norwich University grounds is strictly prohibited, while consumption is strictly regulated. Restrictions include:

1. Unlawful consumption (e.g. underage consumption, Driving Under the Influence -DUI), disorderly conduct under the influence of alcohol, possession, furnishing alcohol to minors, on or off campus, is unlawful and therefore prohibited. Refusal to submit to sobriety testing is evidence of consumption.
2. Misrepresentation of age or the actual or attempted use of false identification to obtain alcoholic beverages is considered evidence of a violation of the Honor Code and will be referred to the University Honor Committee.
3. Operating a motor vehicle, on or off campus, while under the influence of alcohol is unlawful, and, therefore, clearly a violation of state laws and University policy.
4. The presence of empty beverage containers (e.g. beer cans/bottles, wine bottles, flasks, or any container used to store or consume alcohol anywhere on campus (room, vehicle, etc.) is prima facie evidence of possession.
5. Disorderly conduct under the influence of alcohol anywhere on campus (regardless of age) is a violation of the Norwich University alcohol policy. No student will be intoxicated and endanger the safety of another person or property, or cause a disturbance.

**C. EXCEPTIONS:** Upon approval of the SVPSAT, an approved licensed vendor (i.e., Sodexo) may provide alcohol for consumption at select campus events or locations (e.g. Wise Campus Center Partridge Pub, Regimental Ball, NU “Late Nite” Party, Goal Post Party, etc.). In such cases, students must be of legal age to consume alcohol and those who are of legal age are expected to drink responsibly.

1. Commemorative items bearing Norwich University logo are permitted (e.g., wine glass, beer mug, etc) provided these items are clean and free of alcohol or beverage residue.
2. Possession of a poster or unauthorized trophy, or possessing or wearing an item of clothing that depicts or advertises alcoholic beverages is a violation of community standards and not a violation of the alcohol policy.



## D. CONSEQUENCES:

1. **Students under the Legal Age.** Possession or consumption of alcohol by students under the legal age is a violation of state law and this regulation. These actions will result in a University officials reporting violations to local law enforcement. In the instance that local law enforcement is not available or delayed in their response, University officials will proceed in enforcing the University alcohol policy. Any resulting law enforcement action will be a matter between the student and the police. Norwich University officials will obtain information regarding the incident and take appropriate disciplinary action as a violation of the University alcohol policy and/or other related policies. Refusal to consent to and/or comply with law enforcement officers or Norwich officials to take an alcohol breathalyzer test will be treated as prima facie evidence of alcohol consumption.
2. **Students over the Legal Age.** Possession or consumption of alcohol by students over the legal age will be adjudicated as an alcohol policy violation and not result in a report to law enforcement unless the situation produces threatening or disruptive behavior or a well-founded fear of danger to persons or property. In those situations, the decision to involve law enforcement authority's rests with the senior NU professional staff member on the scene or in consultation with the Student Affairs Duty Officer.
3. **Furnishing Alcohol to a Minor.** Students of any age who furnish alcohol to a minor will have their case referred to law enforcement for consideration as a violation of state law. Any resulting law enforcement action will be a matter between the student and the police. University officials will consider the action as a potential violation of the university's alcohol policy and adjudicate the case regardless of the action taken by law enforcement.
4. **Punishments for Alcohol Policy Violations.** Students found guilty of violating the alcohol policy will be subject to disciplinary action as prescribed in Chapter 7 (for civilian residential and commuter students) or Chapter 9 (for cadets). Monies collected as fines for violations of the alcohol policy will be used to provide alcohol awareness education on campus.
5. **Alcohol Use Assessment.**
  - **Referral.** Student Affairs staff members who adjudicate violations of the alcohol policy may require students who are found guilty of an alcohol violation to participate in an alcohol education program administered by a licensed drug or alcohol abuse counselor. Under normal circumstances, students have 30 calendar days from the date of the referral in which to complete the program and provide written documentation of completion or are considered as refusing to comply with punishment. The cost of the alcohol education program will be borne by the student as a 'fee for service' contract with the licensed drug or alcohol abuse counselor. Norwich University will provide the names and contact information for local program providers who meet the licensing requirement, but will not negotiate with the provider on the student's behalf.
  - **Follow-on Treatment.** Once a student has been referred to a licensed counselor and an alcohol education program completed, the counselor will determine the appropriate level of follow-on education, counseling or treatment that is required for that student, if any. The cost of the alcohol education, counseling or treatment program will be borne by the student as a 'fee for service' contract with the licensed drug or alcohol abuse counselor, and the student is encouraged to provide written documentation upon completion of the follow-on treatment.

**E. DESIGNATED DRIVERS:** Norwich University supports the concept of designated drivers as a safe, responsible option for students. Sober designated drivers will not be sanctioned for providing assistance to any Norwich student. Upperclass cadets are prohibited from using first year cadets as designated drivers.

#### **NEW POLICY:**

**F. SAFE RIDES:** Norwich will endeavor to provide a Safe Rides Program whereby any NU student within a thirty-mile driving radius of the University may arrange a ride back to campus on Friday and Saturday nights. This service is designed to promote the safety of all students, provide for good decision making, and to aid in preventing a student from driving in an impaired state. Students who are off campus (within 20 miles of Norwich) and feeling unsafe, for whatever reason, may arrange for cab transportation back to the Norwich University campus. Students will be required to pay at the time of service but will be reimbursed through the Office of the Senior Vice President for Student Affairs and Information Technology after submitting a copy of the receipt. The receipt must indicate the date of service and the location where the student(s) was picked up.

**G. DUTY TO AID THE ENDANGERED:** A student who knows that another is exposed to grave physical harm shall give reasonable assistance to the endangered person unless that assistance or care is being provided by others. Reasonable assistance requires the student to acquire the aid of a trained first responder (call 911, the Department of Public Safety, Northfield ambulance, police). The student requesting assistance should only do so if it does not endanger him or herself and it does not interfere with important duties owed to others. A student who provides reasonable assistance in compliance with this section shall not be sanctioned by the University under the Student Rules and Regulations unless his or her acts constitute gross negligence.

**I. DEFINITIONS:** Definitions pertaining to the Alcohol Policy are located in the glossary.

### **SECTION IV – Drugs/ Controlled Substances**

**A. GENERAL:** Norwich University condemns the use of illegal drugs, the misuse of legal drugs and dietary supplements, and the use of performance-enhancing substances. The possession, use, or consumption of any controlled or illegal substances not prescribed by a physician is prohibited both on and off campus. The controlled or illegal substances are listed or to be listed in the US Drug Enforcement Agency's Drug Schedules I, II, III, IV, and V are included by whatever official, common, usual, chemical, or trade name designated. A current reference for these schedules can be viewed at: <http://www.justice.gov/dea/pubs/scheduling.html>. The selling, giving, enabling, providing or trafficking of controlled or illegal substances is prohibited.

**B. DRUG PARAPHERNALIA:** Drug paraphernalia is also prohibited. The term “drug paraphernalia” means all equipment, products, devices and materials of any kind which are used, or promoted for use or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, inhaling a regulated drug or otherwise introducing a regulated drug into the human body.

**C. PROHIBITED SUBSTANCES:** Norwich University prohibits the possession, use, sale, distribution or manufacture of *Salvia Divinorum* or products containing synthetic cannabinoid compounds (e.g. Spice), as well as any derivative, analogue or variant of them. Norwich University also prohibits the actual or attempted possession, use, sale, distribution or manufacture of bath salts, as well as any derivative, analogue or variant of them not already listed in the US Drug Enforcement Agency's Drug Schedules I, II, III, IV, and V as a controlled or illegal substance. Students who violate the prohibitions listed above will be disciplined under these regulations for Possession or Use of Prohibited Substances.

**D. DRUG TESTING:**

1. The University has the authority to conduct random drug testing for students participating in varsity or club athletics. In addition, any student may be subject to directed testing at any time the SVPSAT determines there is reasonable suspicion the individual is using or has used a controlled substance or a prohibited drug. Such reasonable suspicion shall be based on objective information deemed reliable by the Dean of Students, or the Commandant of Cadets.
2. Enrollment at Norwich University is a privilege not a right. As a condition of being permitted to enroll or continue enrollment at Norwich, all students must comply with this policy. Failure to consent to and/or comply with the requirements of this policy and its procedures will not be tolerated. Refusing to provide a urine sample for testing may be treated as prima facie evidence of guilt and may result in immediate suspension. Urine samples will be collected at the infirmary by the medical staff. Urine samples will be sent to a lab for analysis. If the laboratory reports a specimen as diluted, substituted, manipulated, or adulterated, the student will be deemed to have refused to submit to testing and this action may be treated as prima facie evidence of guilt. A student who is readmitted to the University following a drug related separation may be required to submit to directed drug testing (at the student's expense) as a condition of continued enrollment.

**E. SANCTIONS:** Students are cautioned that they are subject to Vermont state laws pertaining to possession, sale and consumption of controlled substances and related paraphernalia. Violators of the University Drug/Controlled Substances Policy are subject to suspension or dismissal. Students found guilty of selling or distributing controlled substances will be dismissed. Violation of the law will result in the student being turned over or reported to the proper authorities. In addition to University imposed sanctions, a student found guilty of violating any drug or controlled substance regulation on campus will be reported to local law enforcement authorities.

**F. PREVENTION:** Norwich University supports programs for the prevention of substance abuse. If you are having a problem with alcohol and/or another substance, contact the counseling center, the Office of the Dean of Students or the Office of the Commandant.

**G. PARENTAL NOTIFICATION:** The Commandant of Cadets or Dean of Students may notify the parents or legal guardians (provided a valid FERPA release is on record) if their son or daughter violates any federal, state, local law or any rule or policy of the University governing the use of a controlled substance.

# SEXUAL AND GENDER BASED MISCONDUCT POLICY

## A. 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 or gender based misconduct, and the University does not tolerate such forms of misconduct and/or crime. Such forms of misconduct 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.

## B. 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 file a complaint with the University complaints will proceed independently from any additional criminal proceedings. University procedures and sanctions can be implemented regardless of when or if criminal charges are initiated or substantiated.

## C. NOTICE OF NON-DISCRIMINATION

Norwich University, in compliance with Title IV of the Civil Rights Act of 1964, Title IX of the Education amendment of 1972, and Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of race, religion, color, national origin, age, sex, or physical handicap in any of its policies, practices, and procedures.

## D. TITLE IX COORDINATOR

Norwich University's Title IX Coordinator is Matthew Roche. His contact information is: (802) 485-2144; mroche@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, VAWA, and the Campus SaVE Act. 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 response to complaints of domestic and/or dating violence, and stalking as defined in this policy. The Title IX Coordinator or trained deputy is available to meet with students and employees regarding these issues as needed.

## E. 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.

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 or gender based misconduct, 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.

## ***Days***

For purposes of this policy, days is considered a University business day.

## **F. 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, consent in reference to sexual activity, 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 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.

### ***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.

Rape (non-consensual sexual intercourse) is the sexual penetration, no matter how slight and with any object or body part that is without consent and/or by force or coercion. Intercourse includes vaginal or anal penetration with any body part or object, or oral penetration by a sex organ of another person, no matter how slight the penetration or contact.

Fondling (non-consensual sexual contact) is and intentional sexual touching, however slight and with any object or body part, that is without consent and/or by threat, intimidation, coercion, duress, violence, or by causing a reasonable fear of harm.

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. The legal age of consent in the state of Vermont, as provided by state regulation is 16 years old.

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 Harassment***

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, other verbal, visual, or physical conduct of a sexual nature, such as sexual assault or acts of sexual violence or other offensive behavior directed toward an individual because of or on account of the individual's sex, whether by a person of the opposite or same gender, when directly impacting the individual's employment, education, living environment, or participation in Norwich sponsored activities or programs.

### ***Hostile Environment Harassment***

Hostile Environment Harassment is unlawful harassment against an individual due to their sex, sexual orientation, or gender identity that is sufficiently serious and objectively offensive so as to deny or limit the individual's ability to participate in or benefit from the University's programs or activities. In considering whether harassment rises to the level of hostile environment, the nature, scope, frequency, duration, severity, and location of incidents will be reviewed.

A single or isolated incident of Hostile Environment Harassment may create a hostile environment if the incident is sufficiently severe.

### ***Sexual Exploitation***

Sexual exploitation occurs through an act or omission to act that involves a member of the Norwich University community taking non-consensual, unjust, humiliating, or abusive sexual advantage of another, either for the individual's own advantage or to benefit anyone other than the one being exploited. Examples of behavior that could constitute sexual exploitation include but are not limited to the following:

- 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 knowledge and 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;
- 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;
- Engaging in sexual behavior with knowledge of an illness or disease (HIV or STD) that could be transmitted by the behavior, without disclosing prior to the sexual relations; and
- Providing drugs or alcohol to a person for the purpose of sexual exploitation

### ***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. Only a person of legal age can consent.

Consent may be withdrawn by either party at any time. Recognizing the dynamic nature of sexual activity, individuals choosing to engage in sexual activity must evaluate consent in an ongoing manner and communicate clearly throughout the stages of sexual activity. Once consent is withdrawn, the sexual activity must cease immediately, and all parties must obtain

mutually expressed or clearly stated consent before continuing further sexual activity.

Consent to one form of sexual contact does not constitute consent to all forms of sexual contact, nor does consent to sexual activity with one person constitute consent to activity with any other person. Each participant in a sexual encounter must consent to each form of sexual contact with each participant.

Incapacitation due to alcohol or drugs where an individual cannot make an informed and rational decision to engage in sexual activity because she/he lacks conscious knowledge of the nature of the act (e.g., to understand the who, what, when, where, why or how of the sexual interaction) and/or is physically helpless. An individual is incapacitated, and therefore unable to give consent, if she/he is asleep, unconscious or otherwise unaware that sexual activity is occurring.

Where alcohol or other drugs are involved, incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person; however, warning signs that a person may be approaching incapacitation may include slurred speech, vomiting, unsteady gait, odor of alcohol, combativeness or emotional volatility.

Evaluating incapacitation also requires an assessment of whether a Respondent should have been aware of the Complainant's incapacitation based on objectivity and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the Respondent's position.

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:*** 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.

### ***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.

### ***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—

- (a) 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.
- (b) Reasonable person means a reasonable person under similar circumstances and with similar identities to the person subjected to the stalking.
- (c) 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:
  - o Posting of pictures or text in chat rooms or on websites;
  - o Sending unwanted/unsolicited e-mail or talk requests;
  - o Posting private or public messages on Internet sites, social networks, and/or school bulletin boards;
  - o Installing spyware on a person's computer; and
  - o Using Global Positioning Systems (GPS) or similar technology to monitor a person.
- Pursuing, following, waiting for, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the person.
- Surveillance or other types of observation including staring or "voyeurism"
- Trespassing
- Vandalism



- Non-consensual touching
- Direct verbal or physical threats
- Gathering information about an individual from friends, family, or co-workers
- Accessing private information through unauthorized means
- Threats to harm self or others
- Defamation and/or lying to others about the person, or
- 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, 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, or
- 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.

## **G. IMMEDIATE RESPONSES TO SEXUAL OR GENDER BASED 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. However, if a report is made by a third party or the University learns of an alleged incident under this policy, the University has an obligation to investigate to the extent of the information available. The University may also have to proceed with an investigation or disciplinary action where necessary, despite the wishes of a Complainant or victim.

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.

The University recognizes that making the decision to report often takes time. Nevertheless,

pending the decision to report, students are strongly encouraged to take immediate steps to preserve all evidence that might support a future report. Such evidence may include:

- A forensic sexual assault examination (before 120 hours, but as soon as possible);
- Any clothing, sheets or other materials (items containing bodily fluids should be stored in cardboard boxes or paper bags);
- Electronic exchanges (e.g., text messages, emails, Facebook, Instagram, Snapchat or other social media posts, to the extent that they can be captured or preserved);
- Photographs (including photographs stored on smartphones and other devices); and
- Voice-mail messages and other physical, documentary and/or electronic data that might be helpful or relevant in an investigation.

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 Public Safety:	(802) 485-2525
Norwich Counseling Services:	(802) 485-2134
Title IX Coordinator	(802) 485-2144

## **H. CONFIDENTIALITY**

Norwich University encourages individuals to report incidents covered under this policy so that they can get the support they need, and so that the University can respond appropriately, while maintaining a safe and secure campus. 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 or gender based misconduct.

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 encouraged 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.

### ***(A) 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.

- Norwich Counseling- (802) 485-2134
- Washington County Sexual Assault Crisis Team- (802) 479-5577
- Norwich Chaplain- (802) 485-2128
- Infirmary- (802) 485-2552

Violence Intervention Peer Advocates (VIPA) are not considered a confidential resource at Norwich University.

### ***(B) Non-Confidential Resources***

Non-confidential resources are all faculty or staff members and are therefore not permitted to honor requests for confidentiality. Non-confidential faculty or staff who learn of an incident of sexual or gender based misconduct involving a student or employee are required to report that information to the Title IX Coordinator, and they are “Responsible Employees” to this extent. Responsible Employees include any administrator, supervisor, faculty member, or other person in a position of authority who does not have a statutory privilege of confidentiality by law, or who has not otherwise been designated as a Confidential Support Resource.

Responsible Employees are also deemed Campus Security Authorities and are required to report certain sex offenses and other crimes to Public Safety 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.

### ***(C) Disclosure to Responsible Employees and Requests for Confidentiality***

When a Responsible Employee learns of an incident that could constitute sexual or gender based misconduct 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 as soon as 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.

***(D) Evaluating Requests for Confidentiality in Sexual Assault Cases***

If an individual discloses an incident of sexual or gender based misconduct 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 Public Safety Office.

Factors to be considered in determining whether confidentiality should be maintained may include but are not limited to:

- (i) The increased risk that the alleged perpetrator will commit additional acts of sexual misconduct or other violence, such as:
  - whether there have been other sexual misconduct complaints about the same alleged perpetrator;
  - whether the alleged perpetrator has a history of arrests or records from a prior institution indicating a history of violence;
  - whether the alleged perpetrator has threatened further sexual misconduct or other violence against the individual or others;
  - whether the alleged sexual misconduct was committed by multiple perpetrators;
  - 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);
- (ii) whether the alleged sexual misconduct was perpetrated or facilitated with a weapon;
- (iii) whether the alleged victim is a minor; and
- (iv) 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.

***(E) Evaluating Requests for Confidentiality in Sexual or Gender Based Misconduct Cases***

In cases involving sexual or gender based misconduct, 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.

***(F) 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.

If when responding to reports of sexual or gender based misconduct 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.

***(G) 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.

***(H) 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.

***(I) Disclosure Required by Law***

The University will not include the names of Complainants, Respondents, 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.

### ***(J) 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.

## **I. 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. Both Complainants and Respondents are able to access accommodations throughout the Title IX resolution process. These may include but are not limited to:

- Mutual No Contact Orders restricting encounters and communications between the parties;
- Academic accommodations, including but not limited to deadline extensions, excused absences, 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 parties involved in the Title IX resolution process, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the services, accommodations, or protective measures requested.

## **J. 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 or gender based misconduct under this policy has the option to 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 or gender based misconduct 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 mutual No Contact Orders on students, employees, and third parties over whom it has some measure of control.

## **K. MEDICAL CARE AND EVIDENCE PRESERVATION**

Any individual who may be experiencing or has experienced sexual or gender based misconduct 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.).

## **L. OTHER POLICY VIOLATIONS**

The University's primary goal when responding to complaints of sexual misconduct, domestic or dating violence and/or stalking involving students is student safety, and to address the 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.

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 this policy. The Title IX Coordinator in making a final determination, will correspond with the offices that would typically oversee the other violations and receive recommendations as to whether or not a policy was violated based upon the evidence presented during the resolution process. The resolution notification will include findings for each of the alleged violations of Norwich policy as well as the corresponding sanctions if responsibility is determined. If, however, the reported allegation under this policy is determined to not rise to the level of a policy violation of this policy, the case will be transferred to the appropriate offices for resolution.

## **M. UNRELATED SEXUAL HISTORY**

Information about sexual activity between a Complainant or Respondent and other 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.

## **N. 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.

Students found to have intentionally provided false information will be subject to an Honor Violation Investigation for providing false information during the complaint resolution process.

## **O. INFORMATION AND COUNSELING**

Anyone may seek advice, information, or guidance on sexual or gender based misconduct by contacting the Title IX Coordinator or Deputy Coordinator.

Title IX Coordinator: Matthew Roche, (802) 485-2144, mroche@norwich.edu

Deputy Title IX Coordinator for Students: Greg McGrath, (802) 485-2120, gmcgrath@norwich.edu

Deputy Title IX Coordinator for Employees: Stephanie Drew, (802) 485-2556, sdrew@norwich.edu

Deputy Title IX Coordinator for Athletics: Nikki Therrien, (802) 485-2230, ntherrie@norwich.edu

Deputy Title IX Coordinator for Cadets: Rachel Putney, (802) 485-2354, rputney@norwich.edu

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 (802) 485-2134.

## **P. EDUCATION**

The University will work to educate employees and students relative to the prevention of sexual and gender based misconduct. Educational programs addressing these issues will include: 1) primary prevention and awareness programs and training 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.

## **Q. FILING A COMPLAINT WITH THE UNIVERSITY**

The first step in filing a complaint of sexual or gender based misconduct or obtaining more information, is to speak with the Title IX Coordinator or a Deputy Coordinator. The Title IX Coordinator or Deputy Coordinators are 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 Deputy Coordinator can assist the individual in deciding which route to take with the complaint: informal resolution where applicable, or formal investigation and determination.

While the Title IX Coordinator and Deputy Coordinators are available as a campus resource and support office, they are not confidential resources in regards to allegations that are brought forward and must proceed under this policy.

To file a formal complaint under this policy please complete the Title IX complaint form that can be found either on the Title IX page on [my.norwich.edu](http://my.norwich.edu) or [Norwich.edu](http://Norwich.edu).



### **Third Party Complaint**

A person who has not experienced sexual or gender based misconduct 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 Deputy Coordinator as soon as possible, or to submit a Title IX complaint form as described above. 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 make a determination of how to proceed with a resolution based upon the information that is furnished. The Title Coordinator will proceed with an investigation if 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 Deputy Coordinator 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 Title IX Office in the investigation process, the University's ability to respond effectively to the conduct that prompted the complaint or report may be limited. The University will investigate the complaint to the best of its ability.

### **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.

To report a potential violation under this policy, please complete the Title IX reporting form available on the Title IX pages of either [my.norwich.edu](http://my.norwich.edu) or [Norwich.edu](http://Norwich.edu).

## **R. RIGHT TO AN ADVISOR**

All parties are entitled to an advisor of their choosing to guide and accompany them throughout the complaint resolution process. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them, as long as the advisor does not play any other role in the process, such as serving as a witness. The University maintains a pool of trained (non- attorney) advisors who are available to the parties that will be distributed through the intake process. The parties may choose advisors from outside the pool, or outside the campus community, but those advisors may not have the same level of insight and training on the campus process as do those trained by the University. Outside advisors are not eligible to be trained by the University.

The parties are entitled to be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake, interviews, hearings, and appeals. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The University cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the University is not obligated to provide one.

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors are not permitted to speak for, represent, appear in lieu of anyone, address any other party other than the one they are advising, or otherwise actively participate directly in a meeting, interview, or other proceeding, but may only communicate with the party they are advising by providing advice and support in a manner that is not disruptive to the meeting or proceeding at hand. Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors may be given an opportunity to meet in advance of any interview or hearing with the individual assigned to conduct that interview or meeting for the purpose of answering any general questions the advisor may have about the process.

Advisors are expected to refrain from interference with the University investigation and resolution. Any advisor who steps out of their role or causes a disruption in any meeting under the campus resolution process will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor and the advisor's absence shall not require a delay or affect the validity of the proceedings. Subsequently, the Title IX Coordinator or a Deputy Coordinator will determine whether the advisor may be reinstated, may be replaced by a different advisor, or whether the party will forfeit the right to an advisor for the remainder of the process.

The University expects that the parties will wish to share documentation related to the allegations with their advisors. The University provides a consent form that authorizes such sharing. The parties must complete this form before the University is able to share records with an advisor. Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with 3rd parties, disclosed publicly, or used for purposes not explicitly authorized by the University. The University may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations. Additionally, communication regarding any resolution process will be directed towards the involved party, and will not be done through the advisor except in circumstances in which the Title IX Coordinator or designee has granted an exception for special circumstances.

The University expects an advisor to adjust their schedule to allow them to attend university meetings when scheduled. The University does not typically change scheduled meetings to accommodate an advisor's inability to attend. The University will, however make provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies when appropriate and available. A party may elect to change advisors during the process, and is not locked into using the same advisor throughout.

## **S. COMPLAINT RESOLUTION PROCESS OPTIONS**

When information about an incident of sexual or gender based misconduct is brought to the attention of the Title IX Coordinator, he or she will contact the Complainant to arrange an intake meeting. 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, one of the abovementioned Deputy Title IX Coordinators will serve as the Acting Title IX Coordinator for purposes of the case.

## T. INITIAL MEETINGS WITH THE TITLE IX COORDINATOR

### ***Complainant***

Within five (5) days of receiving a complaint, the Title IX Coordinator or assigned Deputy Coordinator, will contact the Complainant to schedule an intake meeting. During the intake meeting, the Title IX Coordinator will do the following, as applicable:

- Explain his or her rights under the policy;
- Show the Complainant how to access the policy;
- Provide a Title IX resource folder;
- Provide information regarding support resources on campus including but not limited to mental health services, health services, and victim advocacy;
- Inform about potential resolution processes, including informal and formal resolutions;
- Explain the steps in a formal Title IX investigation;
- Discuss confidentiality standards and concerns;
- Advise the Complainant of the right to have an advisor present at each and every step of their Title IX related matter and provide a list of trained University advisors;
- Discuss the University's policy on retaliation and how to report any retaliation;
- Determine if the Complainant needs any interim protective measures put in place, including but not limited to academic accommodations, No Contact orders, or housing accommodations;
- Discuss the importance of preserving relevant evidence or documentation; and
- Learn of the Complainant's desire for resolution

### ***Respondent***

If the Complainant wishes to pursue resolution through the University or if the University determines that further investigation is required, the Title IX Coordinator will schedule an intake meeting with the Respondent within five (5) days after meets with the Complainant and making a determination if the meeting is necessary. At this meeting the Title IX Coordinator will do the following, as applicable:

- Details of the complaint filed, including if possible, the name of the Complainant and the date, location, and nature of the alleged misconduct;
- Explain his or her rights under the policy;
- Provide a Title IX resource folder;
- Show the Respondent how to access the policy;
- Provide information regarding support services including but not limited to mental health services;
- Explain the University's procedures for resolution of the complaint;
- Explain the steps in a formal Title IX investigation;
- Advise that the Respondent may have an advisor of their choosing present at each and every step of the Title IX resolution process and provide a list of trained University advisors;
- Discuss confidentiality standards and concerns with the Respondent;
- Discuss the University policy on anti-retaliation and intimidation, and the potential consequences for retaliating against someone for filing a complaint;
- Inform the Respondent of any interim protective measures that have been put in place with the Complainant that directly affect the Respondent;
- Discuss the importance of preserving relevant evidence or documentation in the case; and
- Determine whether the Respondent desires any additional interim protective measures

## **U. 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 resolution process.

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

### ***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 or that involve physical violence.

## **V. RESPONDENT ACCEPTS RESPONSIBILITY**

If at any point during the Title IX resolution process the Respondent elects to accept responsibility for the allegations brought forth, the University can move forward with informal resolution solely to determine the appropriate for the actions that have been admitted by the Respondent.

## **W. 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. After conducting intake meetings and weighing the initial complaint and evidence provided, the Title IX Coordinator will determine whether a formal investigation is the appropriate resolution path. 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 be followed:

1. The Title IX Coordinator will assign or retain an investigator. A notice of investigation letter will be sent to both the Complainant and the Respondent. In this letter the full name of the investigator will be provided to the parties. Each party will have 48 hours to appeal the investigator's appointment. If a party elects to appeal the investigator's appointment, they must send in writing the reason for the appeal to the Title IX Coordinator. After the appeal timeframe passes, all relevant information to the case will be transferred to the appointed investigator.
2. The investigator, upon receiving the case file from the Title IX Coordinator, will have 30 days to submit a completed investigatory report to the Title IX Coordinator that will include all relevant facts, facts in dispute, witness interviews, evidence, credibility assessments, and a list of potential policy violations. 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.
3. Throughout the investigatory process, the Title IX Coordinator will correspond with both the Complainant and Respondent on a weekly basis to provide an update on the case and to ensure that the parties are receiving necessary support throughout the process.
4. 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.
5. Both parties will be provided with timely and equal access to any information that will be used during the investigation.
6. Both parties will be provided with timely notice of any meetings related to this process that they are expected to attend. The Title IX Coordinator will schedule all meetings in conjunction with the party's academic course schedule to ensure that neither the Complainant nor Respondent miss classes due to a meeting for the Title IX resolution process. Meetings times will be included in letters sent by the Title IX Coordinator, at least 24 hours prior to the scheduled meeting. If a party is unable to attend the pre-scheduled meeting they must notify the Title IX Coordinator with the reasoning for the conflict and set up a new meeting time.
7. At the conclusion of the investigation, the Investigator will send the investigative report to the Title IX Coordinator for review. The Title IX Coordinator will either accept the report as final or return to the Investigator within five (5) days with additional questions needing to be answered. Once the Investigator receives the

returned report, the Investigator will complete the additional fact finding within ten (10) days and return the report to the Title IX Coordinator. Upon receipt of the final investigative report, the Title IX Coordinator will provide both the Complainant and Respondent with a copy of the report for review. The parties will have three (3) days to review the report and will be provided an opportunity to set up a meeting with the Title IX Coordinator to respond to the completed report and ask any clarifying questions of the report or that the party wishes to be asked of the other party. The Title IX Coordinator will have discretion as to what questions, if any are requested, are asked of the other party. The additional information from these individual meetings with the Title IX Coordinator will be added to the investigative report as an addendum to the report.

8. Using the completed investigative report, the Title IX Coordinator will review all evidence and facts to make a determination of whether or not a policy violation has occurred. The Title IX Coordinator is not bound by the investigative 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.
9. 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.
10. The Title IX Coordinator will simultaneously notify the Complainant and the Respondent in writing of the result of the investigation within five (5) days of the final addendums being added to the report, which will include the rationale for the result and any sanctions.
11. This written notification will include: a policy analysis, a determination of a violation or not, the reasoning for the decision, procedures for the parties to appeal, and the determined sanctions.

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.

## **X. APPEAL PROCESS**

The appellate authority for this policy is the Assistant Vice President for Student Affairs or her designee. All additional policy violations that were included in the Title IX resolution process must be appealed through this process. 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) days of receipt of the notification of the decision. An appeal will not be considered if submitted after the allotted five (5) 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) 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 days of the date of the hearing with a copy to the Title IX Coordinator.

## **Y. 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, program, or training;
- written reprimand or other form of discipline documented in writing;
- 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.

## Z. QUESTIONS AND SUPERSEDING OF PRIOR POLICIES

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.

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

## NORWICH UNIVERSITY STATEMENT AND POLICY ON NON-DISCRIMINATION

### STATEMENT

Norwich University prohibits discrimination against any person, including current and potential students, employees and job applicants, vendors, and visitors to the campus. Norwich maintains specific policies to address discrimination against students, prospective students or employees. Those are contained in the Student Rules & Regulations and the Employee Handbook. Norwich University is committed to full compliance with all state and federal laws and regulations pertaining to discrimination including:

- The Equal Pay Act of 1963 (EPA)
- The Civil Rights Act of 1964, specifically Title VII (CRA)
- The Age Discrimination in Employment Act of 1967 (ADEA)
- The Occupational Health & Safety Act of 1970 (OHSA)
- The Education Amendments of 1972, specifically Title IX
- The Rehabilitation Act of 1973
- The Vietnam Era Veterans' Readjustment Assistance Act of 1974
- The Pregnancy Discrimination Act of 1978
- The Americans with Disabilities Act of 1990, specifically Titles I and III (ADA)
- The Uniformed Services Employment & Reemployment Rights Act of 2005 (USERRA)
- The ADA Amendments Act of 2008 (ADAAA)
- The Genetic Information Non-Discrimination Act of 2008 (GINA)
- Vermont Fair Employment Practices Act
- Vermont Public Accommodations Act

These laws establish certain protected characteristics or categories that define the basis for discriminatory actions, which include:

- Age – age 40 or over
- Disability
- Equal pay/compensation
- Genetic information
- Harassment
- Military service or veteran status
- National origin
- Pregnancy – pregnant, maternity, breastfeeding, expressing milk, use of parental leave
- Race/color
- Religion



- Retaliation
- Safety
- Sex – gender, gender identify, sexual orientation
- Sexual harassment

## POLICY

This policy applies to all students, prospective students, recognized student organizations, and employees.

**Discrimination** is treating one person differently from another due to that person being in a “protected category,” or having characteristics as defined by the above laws, in such a way as to deny that person access to tangible educational or employment opportunities or other tangible benefits normally derived from being a student or employee. If you are concerned that you are a victim of discrimination, please consult the applicable University policy.

**Harassment** is a form of discrimination by which action or speech substantially interferes with a student’s or employee’s educational or work performance or creates an intimidating, hostile, or offensive environment. Please see the applicable University policy for a more detailed definition of harassment.

Harassment may occur in the form of non-verbal acts such as vandalism or destruction of property, undesired physical contact, physical assault or violence, or threat of the same. Norwich University is committed to the principles of free inquiry and free expression. Vigorous discussion and debate are fundamental to the University, and this policy is not intended to stifle teaching methods or freedom of expression generally, nor will it be permitted to do so. Harassment and discrimination, however, are neither legally protected expression nor the proper exercise of academic freedom; they compromise the integrity of the University, its tradition of intellectual freedom, and the trust placed in its community members.

**Retaliation** is discrimination and is prohibited in any form against a person who uses the terms of this policy, reasonably opposes discrimination or who participates in an investigation related to discrimination. Retaliatory actions could, among other things, include harassment, unfair grading, transfer, demotion, termination, or being passed over for promotion or training.

**Discipline or sanctions** up to and including termination of employment, expulsion from the University, or exclusion from campus property may be administered to a person who is found to have violated this policy or who has been found to have intentionally made a false report or knowingly provided false information.

## REPORTING AND RESPONSIBILITIES

University employees who become aware of conduct that could be a violation of this policy have an obligation to report that information to an appropriate authority listed below, or to any University administrator. This reporting obligation does not override applicable laws and policies on confidentiality of communication with mental health professionals, physicians, clergy, or attorneys.

**Student or prospective student** requests for academic accommodation or discrimination concerns pertaining to accommodation or housing should be forwarded to the Academic Achievement Center. Investigations into student complaints of academic or housing

discrimination and any appeal relative to investigation findings and discipline will be administrated according to the Student Rules & Regulations and the Administrative Manual, Memorandum 3 – The Americans with Disabilities Act (ADA).

**Student sexual harassment/sexual assault** concerns will be forwarded immediately to the Title IX Coordinator. In the event a student may be in danger or requires medical attention, emergency responders should be called at 911 or Public Safety at (802) 485-2525 or extension 2525. Additional information regarding application of Title IX is located in the Sexual and Gender-Based Misconduct Policy, and investigations into Title IX complaints will be conducted according to the procedures established by that policy.

**Employee or job applicant** discrimination concerns or complaints, or requests for employee accommodation should be forwarded to the Office of Human Resources. Investigations into employee complaints of discrimination will be conducted according to applicable procedure, and any appeal relative to employee discipline will be administrated according to employee Dispute Resolution processes.

The Director of the Academic Achievement Center is responsible for application of this policy to current and potential students pertaining to disability accommodation matters. The Title IX Coordinator is responsible for university-wide application of Title IX requirements.

The Director of Human Resources is responsible for application of this policy pertaining to all matters other than Title IX and student disability accommodation matters, including investigative and appeal activities.

The Director of Facilities Operations is responsible for application of this policy to University buildings, renovations, and new construction.

**ALL STUDENTS, PROSPECTIVE STUDENTS, AND EMPLOYEES ARE ENCOURAGED TO REVIEW POLICIES SPECIFIC TO THE ALLEGED DISCRIMINATION FOR DEFINITIONS, DETAILED POLICIES, AND PROCEDURES.**

## RESOURCES

Academic Achievement Center, Kreitzberg Library, 4th floor, extension 2130, or (802) 485-2130

Title IX Coordinator, Wise Campus Center, 2nd floor, extension 2144, or (802) 485-2144

Office of Human Resources, Jackman Hall, 3rd floor, extension 2075, (802) 485-2075, or [nuhr@norwich.edu](mailto:nuhr@norwich.edu)

State of Vermont Attorney General, 109 State Street, Montpelier, VT 05602, (888) 745-9195 or (802) 828-3665

Vermont Human Rights Commission, 14-16 Baldwin Street, Montpelier, VT 05633, (802) 828-2481, [www.hr.vermont.gov](http://www.hr.vermont.gov), [human.rights@vermont.gov](mailto:human.rights@vermont.gov)

U.S. Equal Opportunity Commission, John F. Kennedy Federal Government Center, Room 475, Boston, MA 02203, (800) 669-4000 or (617) 565-3200, [www.eeoc.gov](http://www.eeoc.gov)

U.S. Department of Education, Office for Civil Rights, Lyndon Baines Johnson Department

of Education Bldg, 400 Maryland Avenue, SW, Washington, DC 20202-1100, Tel 800-421-3481, FAX 202-453-6012, OCR@ed.gov

### EQUAL OPPORTUNITY CONTACT PERSONS

For information, counseling, or to file a complaint of discrimination or harassment on the basis of gender, gender identity, race, ethnicity, color, national origin, religion, disability, sexual orientation, age, genetic information, or veteran's status, contact one of the following individuals:

Stephanie Drew, Employee Relations/Human Resources: 802-485-2556, sdrew@norwich.edu

Anne Buttimer, Justice Studies: 802-485-2887, abuttimer@norwich.edu

Rowly Brucken, History: 802-485-2362, rbrucken@norwich.edu

Elizabeth Gurian, Justice Studies: 802-485-2844, egurian@norwich.edu

Rachel Putney, Company Tactical NCO: 802-485-2138, rputney@norwich.edu

Nicole DiDomenico, Center for Civic Engagement: 802-485-2670, ndidomen@norwich.edu

Michael Titus, Commandant's Office: 802-485-2114, mtitus@norwich.edu

Steve Looke, Student Success Center: 802-485-2985, slooke@norwich.edu

Martha Mathis, Dean of Students: 802-485-2640, martham@norwich.edu

Dana Moss, Human Resources: 802-485-2076, dmoss1@norwich.edu

**Office of Martha Mathis, Dean of Students  
Jackman Hall 227 • (802) 485-2640**

- Students—regardless of lifestyle—parents, families and others may call or come in for information at any time with or without an appointment.

**Acupuncture and Oriental Medicine**

**(802) 223-0954 • [www.integrativeaom.com](http://www.integrativeaom.com)**

- Affiliated with Central Vermont Medical Center.
  - Licensed acupuncturists help with:
    - Stress/anxiety
    - Sleep issues
    - PTSD
    - Addiction management
- Available through the Infirmary.
  - \$10 fee, no appointment.

**Central Vermont Medical Center (CVMC)  
(802) 371-4100**

**Central Vermont Substance Abuse Services  
(802) 223-4156**

- Jeremy Bolio is a military Veteran, licensed clinician, men's group and substance abuse counselor.
- Alcohol screenings/substance abuse.
  - \$150 fee (not covered by insurance).
- Treatments on/off campus as needed, insurance eligible.
- Education and community outreach.

**Healthy Youth Program (HYP)**

**(802) 229-9151**

**Karena Lapan • [klapan@wcysb.org](mailto:klapan@wcysb.org)**

- Washington County Youth Services Bureau program.
- Appointments available at Gray Building in Northfield.
  - Assessment, education, and treatment for substance abuse.

**Northfield Police Department**

**(802) 485-9181**

- John Helfant, *Chief of Police*

**Shaw Outdoor Center • (802) 485-4032**

**[facebook.com/norwichSOC](https://www.facebook.com/norwichSOC)**

- Hike, bike, ski, sled, snowshoe, run.
- Hours of operation:  
Tues – Sunday, Noon – 5 p.m.

**Sodexo Food Services**

**Wise Campus Center • (802) 485-2297**

- Nutrition information and healthy choices.
- Menu diversification using student input.

**Washington County**

**Sexual Assault Crisis Team**

**Marsilius Hall • (802) 485-2904**

**24-hr Hotline: (802) 479-5577**

**[sactwc@aol.com](mailto:sactwc@aol.com)**

- Support for female and male victims of sexual violence.
- Free legal advocacy and attorney services to victims.
- 24 hour emergency shelter for female and male victims.
- Complete confidentiality.

**Norwich University Equal Opportunity/  
Title IX Office**

**Jackman Hall, 321 B • (802) 485-2144**

- To report incidents of interpersonal violence/seek judicial action, including:
  - Sexual Assault
  - Sexual Misconduct
  - Harassment
  - Relationship Violence
  - Stalking

**Norwich University Chaplain Services**

**(802) 485-2128 • Rev Wick**

- Protestant, Catholic and other religious services.

**Norwich University Counseling and  
Psychological Services**

**(802) 485-2134**

- Counseling, psychological and learning disability assessments.

**Norwich University Public Safety**

**(802) 485-2525 Emergency's and service calls.**

**Non-emergency (802) 485-2499 (Business hours)**

**Norwich University Health Services at  
Green Mountain Family Practice:**

**Infirmary/Health Practices**

**(802) 485-2552**

**Suicide Hotline • (800) 273-TALK (8255)**

**Vermont Alcoholics Anonymous**

**(800) 839-1686 • [alcoholicsanonymous.com](http://alcoholicsanonymous.com)**

**Green Mountain Area Narcotics Anonymous**

**(802) 773-5575 (24 hr.) • [www.gmana.org](http://www.gmana.org)**

**Vermont Sex Offender Registry**

**45 State Drive**

**Waterbury, VT 05671-1300**

**(802) 241-5400**

**Fax: (802) 241-5552**

**[DPS.SOR@vermont.gov](mailto:DPS.SOR@vermont.gov)**

## NORWICH UNIVERSITY CRIME STATISTICS

CRIMINAL OFFENSES	On Campus			Residence Halls			Non-campus			Public Property			Unfounded		
	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SEX OFFENSE: Fondling	1	5	6	0	3	2	1	0	0	0	0	0	0	0	0
SEX OFFENSE: Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SEX OFFENSE: Rape	3	13	6	3	11	4	0	0	0	0	0	0	0	0	1
SEX OFFENSE: Statutory rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated assault	4	3	0	3	1	0	0	0	0	1	0	0	0	0	0
Burglary	1	3	1	1	2	1	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	2	1	0	1	0	0	0	0	0	0	0	0	0	0	0

ARRESTS	On Campus			Residence Halls			Non-campus			Public Property			Unfounded		
	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018
Liquor law violations	0	2	1	7	2	0	0	0	0	0	0	0	0	0	0
Drug law violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Illegal weapons possessions	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DISCIPLINARY ACTIONS/JUDICIAL REFERRALS	On Campus			Residence Halls			Non-campus			Public Property			Unfounded		
	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018
Liquor law violations	73	139	91	70	128	91	0	0	0	0	0	0	0	0	0
Drug law violations	5	13	9	5	12	8	0	0	0	0	0	0	0	0	0
Illegal weapons possessions	1	3	5	1	2	3	0	0	0	0	0	0	0	1	0

\*These offenses are no longer categorized in this matter as of 2016.

**NORWICH UNIVERSITY CRIME STATISTICS (continued)**

VIOLENCE AGAINST WOMEN	On Campus			Residence Halls			Non-campus			Public Property			Unfounded		
	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018
Dating Violence	0	3	3	0	3	3	0	0	0	0	0	0	0	0	0
Domestic Violence	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0
Stalking	1	2	3	0	1	3	0	0	0	0	0	0	0	0	0
HATE OFFENSES	On Campus			Residence Halls			Non-campus			Public Property			Unfounded		
	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SEX OFFENSE: Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SEX OFFENSE: Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SEX OFFENSE: Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SEX OFFENSE: Statutory rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	-	0	0	-	0	0	-	0	0	-	0	0
Robbery	0	0	0	-	0	0	-	0	0	-	0	0	-	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Any other crime involving bodily injury	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple assault	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	-	0	0	-	0	0	-	0	0	-	0	0
Destruction of Property/Vandalism of Property	0	0	0	-	0	0	-	0	0	-	0	0	-	0	0

**NORWICH UNIVERSITY CRIME STATISTICS (continued)**

BIAS CRIMES	On Campus			Residence Halls			Non-campus			Public Property			Unfounded		
	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018	2016	2017	2018
Race	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Orientation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Gender	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ethnicity	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

## FIRE SAFETY REPORT FOR 2018

Norwich University has eleven residence halls. All of these buildings are listed in this report with included information on the fire safety systems.

These eleven full-time residence halls are hard wired for fire, smoke, and carbon monoxide detection. In addition, all residence halls have full sprinkler systems. Sprinkler heads are located on all floors, in all hallways, and in all rooms. When an alarm is activated, klaxons sound and strobe lights are activated. The alarm panel activates at the Norwich University Public Safety Office and the alarm is transmitted to the on-duty Public Safety Officer through a radio relay system. The on-duty security officer investigates the alarm and will not “clear” the alarm from the system until positive no fire exists.

If a fire is present, the Public Safety Officer will call “911” for fire department response. Northfield Fire Department is Norwich University’s first responder for fires. The fire department is a volunteer fire department.

All Norwich University residence halls meet the current fire safety codes as required by the State of Vermont.

Norwich University conducts a minimum of one regular mandatory supervised fire drill per year at all student residence halls. These drills are conducted at the start of the academic year. Fire drills were conducted from October 20, 2018 and completed by October 30, 2018. All student residence halls were drilled.

Norwich University Fire and Safety Standards are located in the Student Rules and Regulations, <https://www.norwich.edu/pdfs/2019-Student-Rules-Regs-NUSRR.pdf>, Chapter 3, Section V. Fire and Safety Standards follows in its entirety at the end of this section.

Norwich University provides fire evacuation training to the Resident Coordinators, Advisors and selected student leaders within the Corps of Cadets Leadership.

The matrix on the following page lists the residence halls, their fire systems, fires and fire drills.

### SECTION V – Fire and Safety Standards

**A. FIRE REGULATIONS:** University fire policy requires all students to vacate the building each time a fire alarm sounds. Students who fail to quickly leave a building during a fire alarm may receive disciplinary action and a \$50.00 fine.

*Note: Fire equipment is located in designated areas on each floor in University buildings.*

1. Any student found tampering with, removing, disconnecting, covering, inhibiting, damaging, or falsely setting off fire equipment, alarms, smoke or heat sensors, or igniting a fire on University grounds will be subject to dismissal or suspension along with a minimum fine of \$100 up to \$1000 and restitution of the cost of damages. In addition, the police may be notified and the student may be disciplined in accordance with these regulations.
2. Problems with smoke or heat detectors must be reported to Public Safety or Facilities Operations as soon as possible.
3. Fireworks, explosives, Meal Ready to Eat (MRE) heaters, or fabricated explosive devices, are prohibited in all University buildings and on University property.



4. Students found with fireworks or explosives are subject to suspension or dismissal from the University. NOTE: MRE bombs are considered a form of explosives that can cause injury.
5. Flammable liquids, gases or solids such as gasoline or oil and heat tabs may not be stored in University buildings.
6. Halogen lamps or lights are not authorized for use in barracks or residence hall rooms or University buildings.
7. All surge suppressors, power strips and extension cords used in University buildings must be the three prong, grounded, UL-approved type.
8. Natural cut Christmas trees, boughs or wreaths are prohibited from University buildings.
9. Students are prohibited from cutting down, digging up or in any way damaging trees and shrubs on campus.
10. Unauthorized fires are prohibited on University property. No student, organization, person, or function is authorized to have a fire, including any type of fire for the purpose of conducting a cookout, without advance, written permission from the SVPSAT. The only exception to this is in the vicinity of locations where the university has installed barbeque grills (e.g., Disney Field near the volleyball courts).

#### **B. BARRACKS AND RESIDENCE HALLS:**

1. Room decorations may not hang from the ceiling or window panes and may not cover more than 50% of any given wall space in any room. Other decorations may be prohibited if a fire hazard is created.
2. Ceilings may not be covered with tapestries or draped, or have decorations hanging from them. Nothing may be hung from the sprinkler apparatus.
3. Bed curtains or drapes are not allowed.
4. The room entry and exit must be clear.
5. All furnishings must be a minimum of six inches from the room radiator.
6. Nothing may be built or placed over or around a room radiator that will interfere with the free flow of air around the radiator or with easy access to service it. Nothing will be placed over or around a safety sensor.
7. Candles and incense are not permitted in the barracks or residence halls.
8. No student is allowed to remove outlet covers or permanently attach anything to the outlets provided in the room.
9. String lights and "fire lights" are not authorized in the barracks and residence halls.

**C. EMERGENCY BLUE LIGHT CALL BOXES:** Emergency Blue Light Call Boxes are located throughout the campus in the event of an emergency. Any student found tampering with, damaging, or falsely setting off a call box will be subject to a Class I disciplinary action and a minimum fine of \$100 up to \$500 and restitution for the cost of any damages.

Norwich University Residential Facilities:	Sprinkler System	Smoke/CO Detection	Fire Extinguisher Devices	Number of fire drills prev. academic year	Fires			Deaths		
					2016	2017	2018	2016	2017	2018
Gerard Hall	X	X	X	2	0	0	0	0	0	0
Ransom Hall	X	X	X	2	0	0	0	0	0	0
Alumni Hall	X	X	X	2	0	0	0	0	0	0
Wilson Hall	X	X	X	2	0	0	0	0	0	0
Goodyear Hall	X	X	X	2	0	0	0	0	0	0
Patterson Hall	X	X	X	2	0	0	0	0	0	0
Dodge Hall	X	X	X	2	0	0	0	0	0	0
Hawkins Hall	X	X	X	2	0	0	0	0	0	0
Crawford Hall	X	X	X	2	1	0	0	0	0	0
South Hall	X	X	X	2	0	0	0	0	0	0
Dalrymple Hall	X	X	X	2	0	0	0	0	0	0



**NORWICH**  
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