



NORWICH
UNIVERSITY®

2020

ANNUAL
SECURITY
AND
FIRE SAFETY

REPORT FOR 2019



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 ext. 2525 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. Public Safety Officers only have jurisdiction on campus property and it does not extend beyond those boundaries. 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/policy-library/1461-student-rules-and-regulations>, 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, ext. 2525. 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, ext. 2525, 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 p.m. to 7:00 a.m. 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 to 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 promptly and accurately 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 a policy statement on Voluntary Confidential report.

Norwich University does not have any off-campus student organizations that own or control property.

- **Annual Security Report (ASR):** 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, off 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, Title IX Coordinator, and the Northfield Police Department and prepares the crime statistic report. The Chief of Public Safety compiles the reported crimes and cross checks each report to ensure the reports are accurate. The Chief of Public Safety gathers all of the additional information for the ASR and publishes the report. 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, the Commandant's Office, the Library 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.

- **Crime Log:** The Department of Public Safety also maintains the daily crime log. A hard copy is available in person at the Public Safety office or by an email request at publicsafety@norwich.edu.

Definitions of locations:

On Campus:

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Non-campus:

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

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*.

- **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. All dormitories are installed with surveillance cameras at entrances and exits. Residential Assistants and Cadet leaders patrol the dorms during evening hours. Norwich Public Safety Officers patrol all campus buildings 24 hours a day and are responsible for all locking and unlocking buildings with no access controls systems.
- **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, Kreitzberg 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. Registration is accomplished by logging into *my.norwich.edu*, where users can find “Banner Web” to sign in and update “Personal Information.” Users can review their information by scrolling to and clicking on “View/Edit Your Emergency Notification System Information.”
- **Broadcast Message:** Information Technology Services 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
Wise Campus Center Parking	Left side of lot behind WCC

Wise Campus Center	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
Green Mountain Family Practice	On right side of lot of GMFP
Chaplin Hall	Behind Chaplin, top stairs to Shapiro
Schneider 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 known 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 per 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 November 15, 2019 a Shelter in Place Drill was conducted in which university students, faculty and staff participated in actually sheltering in place. Monitors were placed around campus to observe participation and give directions if needed. The emergency siren and notifications systems worked as prescribed. The majority of students, faculty and staff were engaged and participated. Local Police were on campus to observe this event.

Norwich University Incident Command team held an active shooter table top exercise on November 7, 2019. The exercise was produced and conducted by the FBI. Participants included federal, state, and local law enforcement and representatives from the Vermont Emergency Management team. Observers from other Vermont universities and colleges also attended. This was a productive exercise and continues to build a vital network of expertise and resources for Norwich University.

- **Exercises:** Norwich University Health Services, with the support of Norwich University Public Safety, conducted a DUI Check Point Simulation with Drunk Goggles from October 14-19, 2019. Over 100 students participated in the event. Students drove golf carts with goggles that simulated drunkenness. Participants were engaged in the event and understood the seriousness of the circumstances. Informational materials were distributed with educational content and resources.

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 and local Law Enforcement;
 - 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 or law enforcement, etc.

SECURITY AND SAFETY AWARENESS PROGRAMS

Programs designed to inform students about campus security and safety are initially presented at student orientation. Students are informed of emergency notification procedures and the "Run, Hide, Fight" tactics the University has adopted. Students also participate in a fire drill once per semester for each residential dormitory. They are informed on how to best communicate with the Public Safety office. During one semester during the year, drunk driving awareness demonstrations are presented with the Health Services and Title IX office.

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.
- j. On-campus safety and medical shuttles for students, faculty and staff as requested.

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 which is located at 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: <https://www.norwich.edu/policy-library/1461-student-rules-and-regulations>, 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 a.m. to 10:00 p.m. during the day. Starting at 10:00 p.m. 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 a.m.-4:30 p.m., must report to the Housing Office for a temporary key. After business hours, students must contact the Department of Public Safety, ext. 2525. 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. Residence Life Staff members are authorized to assist students in accessing their rooms if locked out when the staff member is on duty. RA duty time takes place from 6:00 p.m. to midnight on Sunday - Thursday and 8:00 p.m. to 2:00 a.m. on Friday and Saturday. This takes place only when classes are in session or a break stay operation is in place.
- **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/policy-library/1461-student-rules-and-regulations>, 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 Senior Vice President of Student Affairs and Technology, 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. Annual Drug-Free Schools and Communities Act Notice (2018) at <https://www.norwich.edu/policy-library/1459-annual-drug-free-schools-and-communities-act-notice-2018>

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 Senior Vice President of Student Affairs and Technology, an approved licensed vendor (e.g., 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 official 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 authorities 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.

F. 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.

G. 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: <https://www.dea.gov/drug-scheduling>. 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 Senior Vice President of Student Affairs and Technology, 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 and Wellness 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.

DRUG-FREE WORKPLACE POLICY FOR EMPLOYEES

This policy applies to current employees of Norwich University and establishes the drugfree practices of the University.

A. POLICY STATEMENT

It is the intent and obligation of Norwich University to provide a drug-free workplace for its employees, students, and visitors. The unlawful possession, use, manufacture, sale, or distribution of a controlled substance, including marijuana, on University premises or while conducting University business off campus is prohibited. Reporting to work under the influence of a controlled substance, including marijuana, or alcohol is strictly prohibited.

An employee who takes a medication as prescribed by medical authority and determines that the effects of taking the medicine could lead to drowsiness or other condition that could be unsafe, must report this to their supervisor. If it is determined that the employee is temporarily unable to perform their job safely while taking the medication, then alternative tasks are sought if possible. Employees must, as a condition of employment, abide by the terms of

this policy and report any conviction under a criminal drug statute for violations occurring on campus or off campus. A report of a conviction must be made within five (5) days after the conviction to the Director of Human Resources. Violation of this policy may result in disciplinary action, up to and including termination, and may have legal consequences. In addition, the University reserves the right to require an employee to complete an appropriate rehabilitation program before returning to the workplace.

B. NORWICH UNIVERSITY

The University recognizes drug or alcohol dependency as an illness and a major health problem as well as a potential safety and security problem. Employees needing help in dealing with such problems are encouraged to seek information, referral, and assistance from Human Resources, the Employee Assistance Program (EAP), the University Chaplain, or their health insurance plan as appropriate. Conscientious efforts to seek such help does not jeopardize any employee's job and is not be noted in any personnel record.

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 harassment, discrimination or other misconduct, and the University does not tolerate sexual or gender based misconduct as defined under this policy. Such forms of misconduct are also prohibited by state and/or federal law. It is the intention of the University to take prompt 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. Such 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. JURISDICTION

This policy applies to the education program and activities of the Norwich University, to conduct that takes place on the campus or on property owned or controlled by the institution, at Norwich University-sponsored events, or in buildings owned or controlled by Norwich University's recognized student organizations. The Respondent must be a member of Norwich University's community in order for its policies to apply.

This policy may also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to Norwich University's educational program or activities. The University may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial Norwich University interest.

Regardless of where the conduct allegedly occurred, the University will review complaints to determine whether the alleged conduct occurred in the context of its employment or

educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial Norwich University interest includes:

- a. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- b. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
- c. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- d. Any situation that is detrimental to the educational interests or mission of the University

If the Respondent is unknown or is not a member of the Norwich community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

D. 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.

E. TITLE IX COORDINATOR

Norwich University's Title IX Coordinator is Danielle Slauzis. Her contact information is:

1 (802) 485-2144
dslauzis@norwich.edu
Wise Campus Center 223
Norwich University
158 Harmon Dr.
Northfield VT 05663

The Title IX Coordinator is the administrator who is identified and authorized as the Norwich University employee with primary responsibility for coordinating the University's efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator's responsibilities include overseeing the process for handling and responding to all complaints of possible sex discrimination, sexual harassment and sexual misconduct and identifying and addressing any patterns or systemic problems that arise during the review of such complaints. The University's Title IX Coordinator also participates in the University's handling and response to complaints of domestic and/or dating violence, and stalking, as defined in this policy. The Title IX Coordinator or a trained deputy are available to meet with students and employees regarding these issues as needed.

While the Title IX Coordinator is ultimately responsible for coordinating the University's compliance with Title IX, he or she may delegate duties as necessary and appropriate. Therefore, any reference regarding duties to be performed under this policy should be read as also including the Title IX Coordinator's "designee," as appropriate.

F. IMPARTIALITY AND CONFLICT-OF-INTEREST

The Title IX Staff shall act with impartiality and authority free from bias and conflicts of interest. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

To raise any concern involving perceived bias or conflict of interest by the Title IX Coordinator, contact the Vice President for Student Affairs and Information Technology, Frank Vanecek. Concerns regarding bias or a potential conflict of interest by any other Title IX team member should be raised with the Title IX Coordinator.

G. GENERAL DEFINITIONS

Complainant means an individual 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. For ease of reference, the term “Complainant” will be used throughout this policy, whether or not such an individual chooses to file a complaint or participate in an investigation or resolution process.

Respondent means an individual alleged to have violated this policy.

Parties include the Complainant(s) and Respondent(s), collectively.

Complaint (formal) means a document filed and signed (physically or electronically) by a Complainant or signed by the Title IX Coordinator alleging that a Respondent has violated the Sexual and Gender Based Misconduct policy and/or engaged in retaliation for engaging in a protected activity, and requesting that the University investigate the allegations.

Programs and Activities. Conduct takes place within the University’s programs and activities when that conduct occurs: (1) in a location, at an event, or in a circumstance where the University exercises substantial control over both the respondent and the context in which the conduct occurs; or (2) in any building owned or controlled by a student organization recognized by the University. Conduct that occurs off campus in locations or at events with no connection to the University is unlikely to have occurred in a program or activity of the University.

Reporter means an individual who notifies the Title IX Office of a potential sexual or gender based misconduct incident. The Reporter does not have to be the affected party or be involved in the incident to file a report.

Mandated Reporter means an employee of the University who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator.

Official with Authority (OWA) means an employee of the University explicitly vested with the authority to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of the University.

Days are not considered a University business day for purposed of this policy. Weekends and University holidays are not considered a business day. University holidays can be found on the academic calendar.

H. STATEMENT OF PROHIBITED CONDUCT

The following are the definitions of Prohibited Conduct under the purview of this policy¹:

This Policy prohibits the following forms of misconduct, collectively referred to throughout

the policy as “Prohibited Conduct”:

¹ The definitions of dating violence, domestic violence, sexual assault, and stalking used in this policy are consistent with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), as amended effective 2014, and Title IX and May 2020 Title IX regulations. In its primary prevention and awareness programs for incoming students and new employees, as well as in its primary prevention and awareness programs for students and employees, the University will include the definitions of dating violence, domestic violence, sexual assault, and stalking under the criminal law of Vermont. However, the University utilizes its own definitions of these prohibited behaviors, which are consistent with the Clery Act and Title IX and the May 2020 Title IX regulations as set forth below, for purposes of this policy, and makes decisions regarding responsibility for violations of this Policy through its own procedures and standards of proof (i.e., by a preponderance of the evidence standard), not through the procedures or standards of proof employed in the criminal justice system.

Sexual Harassment (i.e., Title IX and Non-Title IX Quid Pro Quo Sexual Harassment, Severe, Pervasive and Objectively Offensive Sexual Harassment, Sexual Assault, and Domestic Violence, Dating Violence and sex-based Stalking); and

Sexual Misconduct (i.e., Sexual Misconduct, Sex or Gender-based Discrimination, Sexual Exploitation, as defined below, and Retaliation).

Specifically, Sexual Harassment and Sexual Misconduct are defined as follows for purposes of this policy:

Sexual Harassment

(A) Title IX Sexual Harassment

Acts of sexual harassment as defined by regulations issued by the Department of Education in May 2020 (“May 2020 Title IX regulations”) may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved. Title IX Sexual Harassment as an umbrella category includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking on the basis of sex, defined as: Conduct on the basis of sex that satisfies one or more of the following:

- 1) **Title IX Quid Pro Quo Sexual Harassment:** An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct;
- 2) **Title IX Sexual Harassment:** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s education program or activity; or
- 3) **Title IX Sexual Assault**, defined as:
 - Any sexual act directed or attempted against another person, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent. A “sexual act” is specifically defined by federal regulations to include one or more of the following:
 - i. Rape:
 - Penetration,
 - no matter how slight,
 - of the vagina or anus with any body part or object, or
 - oral penetration by a sex organ of another person,
 - without the consent of the Complainant.
 - ii. Sodomy:

- Oral or anal sexual intercourse with another person,
- forcibly,
- and/or against that person's will (non-consensually), or
- not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

iii. Sexual Assault with an Object:

- The use of an object or instrument to penetrate,
- however slightly,
- the genital or anal opening of the body of another person,
- forcibly,
- and/or against that person's will (non-consensually),
- or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

iv. Fondling:

- The touching of the private body parts of another person (buttocks, groin, breasts),
- for the purpose of sexual gratification,
- forcibly,
- and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

v. Incest – Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Vermont law.

vi. Statutory Rape – Nonforcible sexual intercourse with a person who is under the statutory age of consent of 16.

4) **Title IX Dating Violence**, defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a person,
- d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
 - i. The existence of such a relationship shall be determined based on the Complainant'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—
 - ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - iii. Dating violence does not include acts covered under the definition of domestic violence.

5) **Title IX Domestic Violence²**, defined as:

- a. violence,
- b. on the basis of sex,
- c. committed by a current or former spouse or intimate partner of the Complainant,

- d. by a person with whom the Complainant shares a child in common, or
- e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the state of Vermont, or
- g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the state of Vermont

² To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

- 6) **Title IX Stalking**, defined as:
- a. engaging in a course of conduct,
 - b. on the basis of sex,
 - c. directed at a specific person, that
 - i. would cause a reasonable person to fear for the person's safety, or
 - ii. the safety of others; or
 - iii. Suffer substantial emotional distress.

For the purposes of this definition—

- (i) Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent 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.
- (ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- (iii) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

(B) Non-Title IX Sexual Harassment is defined as conduct on the basis of sex that satisfies one or more of the following:

1. **Non-Title IX Quid Pro Quo Sexual Harassment** is Quid Pro Quo Sexual Harassment as defined in the Title IX Quid Pro Quo Sexual Harassment definition above that did not reportedly occur in a program or activity of the University in the United States.
2. **Non-Title IX Sexual Harassment** is Sexual Harassment as defined in the Title IX Sexual Harassment definition above that did not reportedly occur in a program or activity of the University in the United States.
3. **Non-Title IX Sexual Assault** is sexual assault (i.e., rape, fondling, incest or statutory rape) as defined in the Title IX Sexual Assault definition above that did not reportedly occur in a program or activity of the University in the United States, and attempts to commit such misconduct.
4. **Non-Title IX Domestic Violence** is domestic violence as defined in the Title IX Domestic Violence definition above that did not reportedly occur in a program or activity of the University in the United States.
5. **Non-Title IX Dating Violence** is dating violence as defined in the Title IX Dating Violence definition above that did not reportedly occur in a program or activity of the College in the United States.
6. **Non-Title IX Stalking** is stalking as defined in the Title IX Stalking definition above

that did not reportedly occur in a program or activity of the College in the United States, or that otherwise fits within such definition of Stalking but does not fall within the Title IX Stalking definition because the reported conduct is not directed at the Complainant on the basis of sex.

Sexual Misconduct includes the following offenses:

- 1. Sexual Misconduct** is unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature that does not meet the above definition of Title IX or Non-Title IX Sexual Harassment, when directly impacting the Complainant's employment, education, living environment, or participation in Norwich sponsored activities or programs.
- 2. 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, and that does not meet the definition of Title IX or Non-Title IX Sexual Harassment stated above. 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 or sharing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nudity without that person's consent;
 - 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; or
 - Engaging in sexual behavior with knowledge of an illness or disease (HIV or STD) that could be transmitted by the behavior, without disclosing that to the other person prior to the sexual relations.
- 3. Sex or Gender-based Discrimination** occurs by treating someone unfavorably or different because of that person's sex, that does not fit the definition of Title IX or Non-Title IX Sexual Harassment stated above. This can include but is not limited to discrimination on the basis of sexual orientation, gender, gender identity, transgender status, or sex.

Retaliation

Retaliation means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing regarding Prohibited Conduct (including both Title IX Sexual Harassment and Non-Title IX Misconduct). Retaliation is strictly prohibited.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations, constitute retaliation, as do any adverse action taken against a person because they have made a good faith report of Prohibited Conduct or participated in any proceeding under this Policy.

Retaliation may include intimidation, threats, coercion, harassment, or adverse employment or educational actions that would discourage a reasonable person from engaging in activity protected under this policy. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance process under this policy does not constitute prohibited retaliation, provided, however, that a determination regarding responsibility is not alone sufficient to establish that any party made a materially false statement in bad faith. The University will not engage in, and will investigate and address, reports of retaliatory conduct.

Any person who believes that he or she has been subjected to such Retaliation should report their concern to the Title IX Coordinator. Such reports will be handled under the Prompt and Equitable Grievance Procedure outlined below. Retaliation under this policy may be found whether or not the underlying complaint is ultimately found to have merit.

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 is 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.

In evaluating whether a lack of consent due to incapacitation is present in a particular case, the University will use the objective standard of whether the Respondent knew or whether a sober, reasonable person in the Respondent's position should have been known, based on reasonably apparent indications of incapacitation, that the other person was incapacitated. A Respondent's own impairment or incapacitation will not be recognized as an excuse for their engaging in sexual contact without consent.

Consent must still be attained even if:

- the Respondent is someone known by the Complainant;
- the sexual misconduct happens on a date;
- either or both individuals have engaged in consensual sexual activity with each other previously;
- 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.

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 or gender based misconduct covered by this policy. There may however be circumstances where the University decides to proceed with an investigation or disciplinary action where deemed necessary, despite the wishes of a Complainant.

Once an incident or complaint of sexual or gender based misconduct is reported to the Title IX Coordinator, he or she will inform the Complainant of the options of criminal prosecution, medical assistance, the use of this policy to file a complaint or report, and other information detailed below.

The Title IX Coordinator, Public Safety 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.

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 steps may include:

- Obtaining a forensic sexual assault examination (before 120 hours, but as soon as possible);
- Preserving any clothing, sheets or other materials (items containing bodily fluids should be stored in cardboard boxes or paper bags);
- Preserving any related electronic communications (e.g., text messages, emails, Facebook, Instagram, Snapchat or other social media posts, to the extent that they can be captured or preserved);
- Preserving any photographs (including photographs stored on smartphones and other devices); and
- Preserving any voicemail 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:

Norwich Public Safety: (802) 485-2525

Norwich Counseling and Wellness Center: (802) 485-2134

Title IX Coordinator: (802) 485-214

Central Vermont Medical Center Emergency Department: (802) 371-4263

Sexual Assault Crisis Team (24-hour hotline): (802) 479-5577

Circle (24-hour hotline):(877) 543-9498

Northfield Police: (802) 485-9181

EMERGENCY REMOVAL AND ADMINISTRATIVE LEAVE

(A) Emergency Removal in Title IX Sexual Harassment Cases

The University can act to remove a Respondent entirely or partially from its education program or activities (including University employment) on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal.

In all cases in which an emergency removal is imposed, the Respondent will be given notice of the action and the option to request to meet (in person or virtually) with the Vice President for Student Affairs and Information Technology as soon thereafter as reasonably possible, to show cause why the order of removal should be revoked or modified.

When this meeting is not requested within 48 hours of an issuance of decision, objections to the emergency removal will be deemed waived.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Vice President for Student Affairs and Information Technology for the meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Vice President for Student Affairs and Information Technology has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration of an emergency removal. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

As determined by the Title IX Coordinator, emergency actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee or terminating their employment, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, dismissing a student, and/or suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator and where deemed appropriate, alternative coursework options may be pursued to promote a Respondent's access to University academic programs.

(B) Administrative Leave in Title IX Sexual Harassment Cases

The University always maintains the discretion to place non-student employee Respondents on paid administrative leave during the pendency of an investigation and resolution process as outlined below. The University may also place a non-student employee Respondent on unpaid administrative leave during the pendency of an investigation and resolution process.

The University may place student-employee Respondents on administrative leave from their employment during the pendency of an investigation and resolution process where deemed appropriate as a Supportive Measure, under circumstances where it can do so without unreasonably burdening the student-employee Respondent.

(C) Emergency or Interim Suspension, Administrative Leaves and Other Actions in Non-Title IX Sexual Misconduct Cases

In cases that involve allegations of Sexual Misconduct (that is, Prohibited Conduct as defined by this policy that does not fall within the definition of Title IX Sexual Harassment), the

University may at its discretion initiate emergency and/or interim suspensions of students and suspension or dismissal of employees in accordance with the University's other policies, procedures and practices, which include but are not limited to the University's employment at will policy.

REPORTING OPTIONS

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. Although strict confidentiality may 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.

This section is intended to inform students, faculty, staff, and covered third parties of the confidential and non-confidential reporting avenues available, so that they can make informed choices about where to go for assistance. On campus, some resources may maintain confidentiality and are not required to report actual or suspected discrimination or harassment. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, reporting to any Non-Confidential resource can connect them with resources to report crimes and/or policy violations, and these employees will promptly pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant), who will take action as provided in this policy.

Third Party Report

A person who is not a Mandatory Reporter, but who has information regarding someone else who has experienced sexual or gender based misconduct, is asked to report that information; a Mandatory Reporter is required to report such information. To make a third-party report, the individual should contact a member of the Title IX Office as soon as possible, or submit a Title IX reporting form as described below. Upon receipt of such information the Title IX staff 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 Staff by someone other than the alleged victim, and the alleged victim is unwilling or unable to participate in an investigation, the Title IX Coordinator will make a determination of whether and/or how to proceed with a resolution based upon the information that is furnished. The Title IX Coordinator may need to proceed with an investigation if, for example, it is determined that there appears to be a compelling threat to the health and/or safety of the Norwich community.

(A) Confidential Resources and Confidentiality

If an individual would like to confidentially report an alleged violation of this policy, they should contact a confidential resource. 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 Supportive Measures and 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.

- Norwich Counseling and Wellness Center - (802) 485-2134
- Mosaic (formerly Sexual Assault Crisis Team (SACT)) - (802) 479-557
- Circle - (877) 543-9498
- Norwich Chaplain - (802) 485-2128
- Infirmary - (802) 485-2552

May 2020 Title IX regulations contemplate that certain information will generally be treated confidentially, except as qualified by statements in those regulations. For example, the regulations provide that universities must maintain as confidential any supportive measures provided to a complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the supportive measures. The regulations also provide that universities must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of the Title IX regulations, including the conduct of any investigation, hearing, or judicial proceeding arising under those regulations.

(B) Reporting and Non-Confidential Resources

Conduct prohibited by this policy may be reported by using any of the following options:

- i.) By utilizing the online Reporting Form, which can be found at www.norwich.edu/title-ix. Reporting via this online form allows the University to reach out to the Reporter or Complainant to request further information and offer Supportive Measures and information about resolution options, but it does not obligate a Complainant to participate in a resolution process. Norwich strives to respect a Complainant's wishes regarding the pursuit of formal resolution procedures unless there appears to be, for example, a compelling threat to their or the community's health and/or safety. The Complainant is largely in control and should not fear a loss of privacy by making a report that allows the University to discuss the matter with them and/or provide Supportive Measures.
- ii.) Report to or file a formal complaint with the Title IX Coordinator. Such a report may be made at any time (including during non-business hours) by using the telephone number or

email address, or by mail to the office address, listed for the Title IX Coordinator or any other official listed. Directly contact the TIX Coordinator by phone or email at the following contact information:

Title IX Coordinator: Danielle Slauzis, 802-485-2144, dslauzis@norwich.edu

iii.) Reporting to a Mandatory Reporter

Non-confidential employees are deemed Mandatory Reporters for purposes of this policy. Mandatory Reporters include any administrator, supervisor, faculty member, who does not have a statutory privilege of confidentiality by law, or who has not otherwise been designated as a Confidential Support Resource.

Non-confidential faculty or staff Mandatory Reporters 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 as soon as possible.

If a Mandatory Reporter interferes with a University investigation, that employee will be subject to disciplinary action up.

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, would not constitute reports for purposes of this policy. These types of inquiries should nonetheless be directed to the Title IX Coordinator.

(C) Disclosure to Mandatory Reporters

When a Mandatory Reporter learns of an incident that could constitute sexual or gender based misconduct involving a student, faculty or staff member or covered third party, the Mandatory Reporter must report available information about the incident to the Title IX Coordinator as soon as possible.

Information reported to a Mandatory Reporter 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) When a Complainant Does Not Wish to Proceed/Requests Confidentiality

If an individual discloses an incident of sexual or gender based misconduct to a Mandatory Reporter but does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, 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 reported Complainant. 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 may be limited.

The University has designated its Title IX Coordinator as the individual responsible for evaluating requests for confidentiality, in consultation as necessary with other University officials such as individuals at the Public Safety Office and/or the University's Threat Assessment Team, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

The Title IX Coordinator's decision could, for example, be based on the results of a violence risk assessment that indicates that there appears to be a compelling risk to health and/or safety

and that requires the University to pursue formal action to protect the community.

Factors that may 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 Prohibited Conduct or other violence, such as:
 - a. whether there have been other Prohibited Conduct complaints about the same alleged perpetrator;
 - b. whether the alleged perpetrator has a history of arrests or records from a prior institution indicating a history of violence;
 - c. whether the alleged perpetrator has threatened or discussed Prohibited Conduct or other violence against the individual or others;
 - d. whether the alleged Prohibited Conduct was allegedly committed by multiple alleged perpetrators;
 - e. circumstances that suggest there is an increased risk of future acts of Prohibited Conduct
- II. whether the alleged Prohibited Conduct was allegedly perpetrated or facilitated with a weapon; and
- III. whether the alleged victim is a minor.

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 are present, the University will likely honor the individual's request for confidentiality.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the University's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator signs a written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

(E) 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 reported Complainant prior to conducting an investigation (unless extenuating circumstances are present). Norwich will not require the reported Complainant to participate in any investigation or disciplinary proceeding. The Complainant may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. The University, will, however, provide certain notices to the Complainant regarding the status of Title IX Sexual Harassment investigations, as required by the May 2020 Title IX regulations. If a Complainant chooses not to participate in a matter covered by the Title IX Sexual Harassment procedures outlined below, the University will appoint an Advisor to conduct, on behalf of the Complainant, cross-examination of the Respondent and any witnesses at any hearing held regarding the matter.

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 and/or reported Complainant's identity to the Respondent, or to take an action from which the reporting individual's and/or reported Complainant'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 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 offer 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.

Note that the University's ability to remedy and respond to a report may be limited if the Complainant does not want the University to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the University's obligation to protect its community.

(F) When Confidentiality Can be Maintained

If the University determines that it can respect the individual's request for confidentiality, the University will offer informal resolution options, supportive measures, and remedies below to the Complainant and the community to the extent possible where such measures are requested and reasonably available.

If the Complainant requests initially that the University take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by Norwich University, and to have the incidents investigated and properly resolved through these procedures.

(G) Disclosure During Internal Investigations and Adjudications

Consistent with Title IX regulation-required confidentiality provisions described above, 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.

(H) Timely Warnings and Disclosure Required by Law

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), Norwich must issue timely warnings for incidents reported to them that pose a serious or ongoing threat to the campus community.

Norwich will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of any serious or ongoing threat.

Additionally, 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 Clery Act.

(I) 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 directly with or without the University's assistance, or may choose not to notify such authorities.

SUPPORTIVE MEASURES

Students and employees seeking services and/or accommodations in connection with issues related to potential Prohibited Conduct (collectively, "Supportive Measures") should direct their request to a confidential resource or the Title IX Coordinator, as appropriate. Their request will be evaluated and responded to by the Title IX Coordinator or designee after consultation, as needed, with other Norwich University officials. As noted in the confidentiality section above, the University will maintain as confidential any Supportive Measures to the extent possible while allowing for implementation of such requests.

It is not necessary to file a formal complaint, participate in an adjudication process, or file a criminal complaint in order to request Supportive Measures from the University. Both Complainants and Respondents may request and receive Supportive Measures, which are non-disciplinary, non-punitive individualized services offered as appropriate, as available, without fee or charge. Supportive Measures 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, working arrangements, or providing other employment accommodations, as appropriate;
- Campus escort services and safety planning steps;
- 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 courts in the United States 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.
- This information is issued in writing in a resource folder

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.

In addition, individuals 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 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.

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 file a report of any nature. 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 and/or law enforcement personnel about how to best preserve evidence. They should also preserve any available electronic evidence related in any way to potential Prohibited Conduct, such as text messages, social media postings or messages, and audio and video recordings or photographs.

OTHER POLICY VIOLATIONS

If the report of misconduct covered by this policy also involves a report of misconduct prohibited by other Norwich University policies, the other misconduct will be investigated to the extent that they are related to the allegations of misconduct prohibited by this policy. The University will determine at its discretion whether other policy violations allegedly committed in circumstances related to alleged Prohibited Conduct will be investigated and resolved in an investigation performed under this policy, which the University reserves the right to do, or will be addressed through separate procedures. Allegations of all misconduct that will be subject to investigation and adjudication in the procedures outlined in this policy will be included in the Notice of Allegations sent out to all parties.

AMNESTY

The University's primary goal when responding to complaints of sexual and gender based misconduct involving students is 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. Amnesty will be provided to reporting parties and witnesses engaged in the resolution process as long as they are acting in good faith. However, the University may provide purely educational options with no official disciplinary finding.

Individuals should understand that the use of alcohol or drugs never makes them at fault for sexual misconduct, domestic or dating violence or misconduct, stalking, and/or related retaliation committed against them, nor does it mitigate accountability for committing these prohibited behaviors against another.

UNRELATED SEXUAL HISTORY

Evidence about a Complainant's sexual predisposition or prior sexual behavior will not be considered in investigations and resolutions conducted under this policy, unless such evidence about the Complainant's prior sexual behavior is offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the evidence concerns specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and is offered to prove consent. Further, information about sexual activity between either party 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, unless it establishes a relevant pattern of sexual or gender based misconduct.

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 Sexual and Gender Based Misconduct complaint resolution process.

CONTACT INFORMATION

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: Danielle Slauzis, (802) 485-2144, dslauzis@norwich.edu

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

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.

RIGHT TO AN ADVISOR

All parties are entitled to an Advisor of their choosing to guide and accompany them throughout a complaint resolution process. The Advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them. The University maintains a pool (non-attorney) advisors who are available to the parties that will be distributed through the intake process. No University official is required to serve as an Advisor if they do not choose to do so. Outside Advisors can request to be trained by the University.

The parties may 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. 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 or choose not to select an attorney advisor, the University is not obligated to provide one.

All Advisors are subject to the same requirements, 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 with an exception related to cross-examination during the Sexual Harassment procedure outlined below. Advisors may communicate with their advisee in a manner that is not disruptive to the meeting or proceeding at hand. For longer or more involved discussions, the parties and their Advisors should ask for breaks to step out of meetings to allow for private conversation. Advisors may request to meet in advance of any

interview or hearing with a member of the Title IX staff for the purpose of answering any general questions the Advisor may have about the process.

As outlined further below, under U.S. Department of Education regulations applicable to Title IX Sexual Harassment matters only, parties have a right to have cross-examination be conducted by Advisors on their behalf. The parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an Advisor for a hearing, the University will appoint an Advisor for the limited purpose of conducting any cross-examination.

A party may reject this appointment and choose their own Advisor, but they may not proceed at a hearing without an Advisor. If the party's Advisor will not conduct cross-examination, the University will appoint an Advisor who will conduct cross-examination on behalf of the party, even if the advised party chooses not to participate personally in the hearing.

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 during the resolution process will be warned that they are doing so. 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. Subsequently, the Title IX Coordinator or Deputy Coordinator will determine whether or not the Advisor may be reinstated.

Parties may wish to have the University share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process. The University provides a consent form that authorizes such sharing of documentation related to the allegations with their Advisor of choice.

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the University. Advisors and parties may be asked to sign non-disclosure agreements accordingly. 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 generally expects an Advisor to adjust their schedule to allow them to attend meetings when planned, but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay. The University will 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.

INVESTIGATION AND RESOLUTION PROCESS

When information about an incident of sexual or gender based misconduct is brought to the attention of the Title IX Staff, he or she will promptly contact the Complainant to arrange an intake meeting. At a promptly-scheduled meeting and/or through initial communications with the Complainant, the Title IX Coordinator will: discuss and/or communicate about the availability of Supportive Measures as defined below; consider the Complainant's wishes with respect to Supportive Measures; inform the Complainant of the availability of Supportive Measures with or without the filing of a formal complaint; and explain to the Complainant the process for filing a formal complaint. The Title IX Coordinator may be excused from carrying out his/her duties under the policy in the event of a conflict of interest or other legitimate reason. In the absence of the Title IX Coordinator, the Deputy Title IX Coordinator will serve

as the Acting Title IX Coordinator for purposes of the case.

The University operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until, through the applicable resolution process, the Respondent is determined to be responsible for a policy violation by a preponderance of the evidence.

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with University policy. While there is an expectation of privacy around what Investigators share with parties during interviews, the parties in Title IX Sexual Harassment cases are not restricted from discussing the allegations under or gathering relevant evidence. Parties in Sexual Misconduct cases investigated and resolved under this policy are not permitted to discuss the case with anyone but their Advisor or a confidential counselor. Parties in all cases must avoid engaging in Retaliation as defined above.

APPLICATION TO EMPLOYEES

This policy and below procedures apply to employees only when the allegations fall within the jurisdiction of Title IX because the allegations, if proved, would constitute Title IX Sexual Harassment as defined above. Unless specified otherwise below, the procedures described below apply only to student Respondent Sexual Harassment and/or student Respondent Sexual Misconduct cases (as indicated) and to employee Respondent Sexual Harassment cases. When allegations fall outside of Title IX jurisdiction, the complaint/report will be sent to Human Resources for processing under other applicable University policies.

When an employee of the University is a party to a Sexual Harassment (Title IX or Non-Title IX) or Sexual Misconduct case investigated and resolved through this policy and its procedures, a representative from Human Resources in addition to a Title IX staff member will be present in the intake meeting, and the Title IX Coordinator will coordinate with the Director of Human Resources throughout the grievance process to ensure that any obligations under other applicable laws and regulations are met. Employees who are parties in Title IX Sexual Harassment matters will receive all of (but no more than) the rights that such employees must be provided under the May 2020 Title IX regulations, but all other aspects of their relationship with the University and the handling of the matter will be governed by the University's otherwise-applicable employment practices and policies.

INITIAL MEETINGS WITH THE TITLE IX STAFF

COMPLAINANT

Within five (5) days of receiving a report or formal complaint, the Title IX 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 the Complainant's rights under the policy;
- Show how to access the policy;
- Provide a resource folder with written explanation of rights;
- Provide information regarding support resources on campus including but not limited to mental health services, health services, and victim advocacy;
- Discuss confidentiality standards and concerns;
- Discuss the University's policy on Retaliation, and the potential consequences for Retaliation;
- Consider the Complainant's wishes with respect to Supportive Measures and determine

if any Supportive Measures need to be put in place, including but not limited to academic accommodations, No Contact orders, or housing accommodations, with or without filing a complaint;

- Discuss the importance of preserving relevant evidence or documentation;
- Inform about potential resolution processes, including informal and formal resolutions;
- Explain the steps in a formal grievance process;
- Explain the right to an Advisor
- Learn of the Complainant's desire for resolution.

VIOLENCE RISK ASSESSMENT

The Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted as part of an initial assessment or otherwise in connection with a report, investigation or resolution process. A VRA can aid in several determinations, including but not limited to determinations regarding:

- Emergency removal of a Respondent on the basis of an immediate threat to physical health/safety;
- Whether the Title IX Coordinator should pursue/sign a formal complaint even if that is not requested by a Complainant;
- Whether reported circumstances may involve a pattern of Prohibited Conduct and/or climate-related issues;
- Whether reported circumstances may involve potential predatory conduct and/or grooming behaviors;
- Whether it is appropriate to try to resolve a complaint through informal resolution, and what modality may be most successful and appropriate;
- Whether a No-Trespass Order is needed.

DISMISSAL FOR TITLE IX PURPOSES

When a Complainant requests an investigation, the Title IX Coordinator will promptly upon receipt of a formal complaint:

- 1) determine whether the conduct alleged would, if proved, constitute Title IX Sexual Harassment (i.e., *Quid Pro Quo* Sexual Harassment, Severe, Pervasive and Objectively Offensive Sexual Harassment, Sexual Assault, or Domestic Violence, Dating Violence or sex-based Stalking) as defined in the Title IX Sexual Harassment definition stated above;
- 2) determine whether the conduct allegedly occurred in the University's education program or activity;
- 3) determine whether the conduct allegedly occurred in the United States; and
- 4) determine whether at the time the formal complaint was made, the complainant was participating or attempting to participate in a University program or activity.

If a formal complaint of conduct that would, if proved, satisfy all four of these elements and constitute Title IX Sexual Harassment as defined in this policy is filed by a Complainant or signed by the Title IX Coordinator, it will be investigated and resolved through the procedures applicable to Title IX Sexual Harassment matters as outlined below.

The University will, as noted above, investigate alleged Title IX Sexual Harassment when a Complainant submits a signed or electronically-submitted formal complaint to the Title IX Coordinator and requests an investigation. The Title IX Coordinator may also choose at their discretion to sign a formal complaint and initiate an investigation, even if the Complainant chooses not to do so. Again, in cases where the Complainant does not wish to submit a formal complaint but the Title IX Coordinator decides in their discretion to sign a complaint

and initiate an investigation and resolution process, the Title IX Coordinator will not be a Complainant or otherwise a party to the matter.

If some but not all of the conduct alleged in the complaint satisfies all four of these elements and a formal complaint is received from a Complainant or signed by the Title IX Coordinator, the University will address the entire matter through the procedures applicable to Title IX Sexual Harassment matters as outlined below (that is, it will as required by federal regulations follow Title IX Sexual Harassment procedures to address the alleged Title IX Sexual Harassment, and it may, to promote efficiency, choose to follow Title IX Sexual Harassment procedures to address Non-Title IX Sexual Harassment and Sexual Misconduct and other non-Title IX alleged misconduct in such mixed cases, so that all related misconduct may be addressed through one investigation and resolution process).

If it appears based upon initial review or upon information gathered during an investigation that the matter does not satisfy and/or no longer satisfies all four of these elements, the University will, as required by the May 2020 Title IX regulations, dismiss the matter for purposes of the Title IX, and will process it under the appropriate procedures outlined here or in other University procedures, as deemed appropriate by the University. Investigation and resolution of a matter that does not fall within the definition of Title IX Sexual Harassment may be pursued, dismissed altogether, or transferred to another University process, as deemed appropriate in the University's discretion and/or as appropriate under applicable law.

Even if the initial allegations of a matter fall within the definition of Title IX Sexual Harassment, the University may (but is not required to) dismiss a formal complaint or any allegations therein if at any time during the investigation or resolution process:

- A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;
- The Respondent is no longer enrolled at or employed by the University; or
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

If a formal complaint is dismissed by the University under the circumstances described above, the University will simultaneously provide to the parties written notice (by electronic or other means) of the dismissal and the reasons for the dismissal, and notice of the parties' opportunity to appeal such dismissal through the Title IX Sexual Harassment appeal procedures outlined below.

If the Respondent is a student and an employee, the Title IX Coordinator will determine which procedures apply based upon the facts and circumstances, such as whether the Respondent's status as a student or an employee predominates in the context of the Prohibited Conduct. If a student-employee is found to have engaged in Prohibited Conduct, the student-employee may be subject to sanctions both in connection with their employment, and in connection with their student status, as appropriate under these and other applicable procedures.

RESPONDENT

If the Complainant submits a Formal Complaint, or if the Title IX Coordinator determines that the University must investigate a report, the Title IX Coordinator will send the Respondent a Notice of Allegations and Investigation. Included in the NOAI will be a meeting time with the Title IX Coordinator, and the following information:

- Information about the University's formal and informal resolution processes;
- A statement of the allegations of behavior potentially constituting Prohibited Conduct,

- including sufficient details known at the time and with sufficient time to prepare a response before any initial post-intake interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Prohibited Conduct, and the date and location of the alleged incident, if known;
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
 - Information regarding the University’s presumption of good faith reporting and a summary of the University’s false information policy (stated above);
 - Notification that parties may have an Advisor of their choice, who may be, but is not required to be, an attorney;
 - Notification of existing counseling, health and mental health services available on campus and/or in the community; and
 - Notification that taking any retaliatory action (directly or through others) against any person because they are involved in the investigation is prohibited and will be considered a separate violation of University policy.

In Sexual Harassment cases, the notice will also notify parties that they may inspect and review evidence during the investigation and resolution process, as provided below.

If in the course of an investigation the University decides to investigate allegations about any party that are not included in the notice described above, it will provide notice of the additional allegations to the parties whose identities are known.

At the initial meeting, the Title IX Coordinator will do the following, as applicable:

- Provide details of the complaint filed, including if possible, the name of the Complainant and the date, location, and nature of the alleged misconduct;
- Explain the Respondent’s rights under the policy;
- Provide a resource folder;
- Show how to access the policy;
- Provide information regarding support services including but not limited to mental health and health services;
- Explain the University’s procedures for resolution of the complaint;
- Explain the steps in a formal Title IX investigation;
- Explain the right to an Advisor;
- Discuss confidentiality standards and concerns;
- Discuss the University’s policy on Retaliation, and the potential consequences for Retaliation;
- Inform the Respondent of any Supportive Measures that have been put in place with the Complainant that directly affect the Respondent and determine whether the Respondent desires any Supportive Measures
- Learn of the Respondent’s willingness to engage in an Informal Resolution

RESOLUTION OF REPORTS WITHOUT A FORMAL PROCESS

Reports that fall within the scope of this policy may be resolved without a formal investigation and resolution process, in one of two circumstances, as follows:

1. When the parties agree to resolve the matter through an alternate resolution mechanism; or
2. When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process.

(A) Alternate Resolution

To initiate Alternate Resolution, a Complainant needs to submit a formal complaint, as defined above. If a Respondent wishes to initiate Informal Resolution after a formal complaint has been filed by a Complainant or signed by the Title IX Coordinator, they should contact the Title IX Coordinator to so indicate.

It is not necessary to pursue Alternate Resolution first in order to pursue a Formal Grievance Process, and any party participating in Alternate Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to facilitating Alternate Resolution, the University will provide the parties with written notice of: the allegations; the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations (on this point, the University generally permits parties to withdraw from the informal resolution process and initiate or re-initiate a formal investigation and hearing process at any time before the informal resolution process is completed and any informal resolution is agreed to in writing by the parties); and any consequences resulting from participating in the informal resolution process, including information regarding any records that will be maintained or shared by the University.

The University will obtain voluntary, written confirmation that all parties wish to resolve the matter through Alternate Resolution before proceeding and will not pressure the parties to participate in Alternate Resolution.

Alternate Resolution is an informal process by which a mutually agreed upon resolution of an allegation is reached. In cases of Sexual Harassment, all parties must consent to the use of Alternate Resolution. The aim of Alternate 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 Title IX Coordinator may look to the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the parties:

- The parties' amenability to Alternate Resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The parties' motivation to participate;
- Civility of the parties;
- Any violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is or was needed;
- Complaint complexity;
- Goals of the parties;
- Adequate resources to invest in Alternate Resolution (time, staff, etc.)

If at any point during an Alternate Resolution process, either the Complainant or the Respondent communicates dissatisfaction with the process and the Title IX Coordinator deems it appropriate, the Title IX Coordinator can terminate the informal resolution and initiate or re-initiate a formal investigation and resolution process.

The Title IX Coordinator has the discretion to make the ultimate determination of whether Alternate Resolution is available or whether a particular proposed resolution agreement

resolves the matter appropriately. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Once parties have agreed upon and signed a written Alternate Resolution agreement, the formal resolution option is no longer available with respect to the allegations resolved in the Alternate Resolution agreement. Results of complaints resolved by Alternate Resolution are not appealable.

Alternate Resolution will not be offered or utilized in Title IX Sexual Harassment cases that involve allegations that an employee sexually harassed a student.

(B) Respondent Accepts Responsibility

A Respondent may, after receiving written notice of the allegations and their rights to request Supportive Measures and participate in a formal resolution process as detailed above, accept responsibility for all or part of the alleged policy violations at any point during a resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether an Alternate Resolution can be used to resolve the matter. If so, the matter will proceed to Alternate Resolution and the parties will receive all of the notices and procedural rights outlined in the Alternate Resolution process above.

If a Respondent, after receiving written notice of the allegations and their rights to request Supportive Measures and participate in a formal resolution process as detailed above, indicates and confirms in writing that they wish to accept responsibility and any sanctions deemed appropriate by the University, the Title IX Coordinator will appoint a Decision Maker to determine appropriate sanctions. The parties will receive notice simultaneously of the sanctions. No appeal of the finding of responsibility or sanctions will be available in such circumstances.

FORMAL INVESTIGATION

The University may consolidate formal complaints as to allegations of Sexual Harassment and/or Sexual Misconduct against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of such Prohibited Conduct arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references in this section to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

Unless specifically provided otherwise below, the following procedures will apply generally to cases involving allegations of Sexual Harassment and Sexual Misconduct.

1. The Title IX Coordinator will assign or retain an Investigator. A notice of investigator 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 object to the Investigator’s appointment on the grounds that the Investigator has a bias for or against Complainants or Respondents generally or a particular Complainant or Respondent, or has a conflict of interest. Objections must be made in writing and sent to the Title IX Coordinator, who will decide whether or not to appoint an alternate Investigator. This process will be repeated until an Investigator is selected. After this objection timeframe passes, all relevant information to the case will be transferred to the appointed Investigator.
2. It is expected that the Investigator will strive to complete his or her initial draft report on the case within ninety (90) 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 for other good causes. 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. The Complainant and Respondent will be asked to identify all witnesses with whom they wish the Investigator to speak and questions they wish the Investigator(s) to ask of the other party and witnesses. 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, though the Investigator will include in their investigative report a rationale for why they did not interview a particular witness identified by one of the parties.
4. Both parties will be provided with timely notice of any hearing, investigative interview or other meeting related to this process that they are invited to or expected to attend. This will include written notice of the date, time location, participants, and purpose of such a hearing, investigative interview or meeting, with sufficient time for the party to prepare to participate. 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 related to this process. Meeting times will be included in notifications 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.
5. Prior to the conclusion of the investigation, the Title IX Coordinator will provide the parties and their respective Advisors (if so desired by the parties) a secured electronic copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the University does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. Any responses should be submitted to the Title IX Coordinator within this 10-day period. The Title IX Coordinator will make any party's response available to any other party for review.
6. The Investigator will consider the parties' comments, if any, and incorporate relevant elements of the parties' written responses into the final investigation report as deemed appropriate at the investigator's discretion, include any additional relevant evidence, make any necessary revisions, and finalize the report.
7. At the conclusion of the investigation, the Investigator will send the final investigative report to the Title IX Coordinator.
8. The final investigative report created by the Investigator will fairly summarize relevant evidence and include as exhibits evidentiary materials as deemed appropriate by the Investigator. The investigator will not offer recommendations regarding whether or not the policy was violated. At least 10 calendar days prior to the hearing referenced below, the University will send to each party and the party's Advisor, if any, the final investigative report and exhibits in an electronic format or a hard copy, for their review and written response as detailed below.

RECORDING OF INTERVIEWS

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If the Investigator elects to audio and/or video record interviews, all involved parties must be made aware of audio and/or video recording.

EVIDENTIARY CONSIDERATIONS IN THE INVESTIGATION

Investigations will not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent; or 4) information protected under a legally recognized privilege (such as, for example, privileged communications between a party and their physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a treatment capacity, or privileged communications between a party and their attorney), unless the person holding the privilege has waived the privilege.

FORMAL RESOLUTION PROCEDURES

Norwich University utilizes two separate formal resolution procedures to resolve allegations that fall within the scope of this policy. For allegations that, if true, would constitute Sexual Harassment as defined in this policy, the University utilizes a formal grievance process (known as a Formal Hearing Resolution Procedure) that complies with the 2020 Title IX Regulations, 34 CFR Part 106.45. If such an allegation is present, all allegations, including allegations other than Title IX Sexual Harassment, may be processed in the same Formal Hearing Procedure, as noted above, at the discretion of the University.

For all other Prohibited Conduct that falls within the scope of this policy, the Prompt and Equitable Grievance Procedure applies.

Both procedures are preceded by a formal investigation as outlined above.

FORMAL HEARING RESOLUTION PROCEDURE

- 1.) As noted above, upon receipt of the final investigative report, the Title IX Coordinator will send to both the Complainant and Respondent and their Advisors³, the final investigative report and exhibits in an electronic format or a hard copy, for their review and written response. Written responses may address, among other things, the parties' arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant, and/or that evidence identified as directly related but not relevant by the Investigator should be considered relevant. Any written response a party wishes to provide must be submitted to the Title IX Coordinator within 10 days of receiving the final investigative report and exhibits. The final investigative report and the parties' written responses, if any, will be provided to the hearing officer in advance of the hearing, and all directly-related evidence provided to the parties and their Advisors for review during the investigation will be made available at the hearing for use by the parties and their Advisors, including for purposes of cross-examination. Deadlines for parties' review of information and submission of comments may be extended upon request for good cause, at the discretion of the Title IX Coordinator or their designee.

³ In cases involving allegations of Title IX Sexual Harassment, the University will provide an advisor if a party does not have one.

- 2.) Once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing and appoint a Decision Maker⁴ Each party will have 48 hours to object to the Decision Maker's appointment on the grounds that the Decision Maker is biased for or against Complainants or Respondents generally or a particular Complainant or Respondent, or has a conflict of interest. Objections must be made in writing and sent to the Title IX Coordinator, who will decide whether or not to appoint an alternate Decision Maker. This process will be repeated until a Decision Maker is selected. After the objection timeframe passes, all relevant information to the case will be transferred to the appointed Decision Maker.
- 3.) The Decision Maker will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator may be argued to be relevant. The Decision Maker will rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist the parties in their preparation for the hearing. The Decision Maker may consult with the Title IX Coordinator, or ask the Title IX Coordinator to attend pre-hearing meetings.
- 4.) The Decision Maker, after any necessary consultation with the parties, Investigator and/or Title IX Coordinator, will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report (including both relevant and directly related, but not relevant, evidence) to the parties at least ten (10) business days prior to the hearing.
- 5.) Prior to the hearing, the parties should submit to the Decision Maker a statement that identifies the facts that they dispute. The Decision Maker will share with all parties the other party's statement or statements, which will be the focus of the hearing. Facts that are undisputed by all parties may be relied upon by the Decision Maker even if they are not directly discussed in the hearing, so long as all individuals who made out-of-hearing statements relied upon submit to cross-examination at the hearing, as outlined below.
- 6.) The parties may also submit the questions or topics they wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking at the hearing for a reconsideration based on any new information or testimony offered at the hearing.
- 7.) Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered at the hearing. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent; or 4) information protected under a legally recognized privilege (such as, for example, privileged communications between a party and their physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in a treatment capacity, or privileged communications between a party and their attorney), unless the person holding the privilege has waived the privilege.

⁴ The Title IX Coordinator will select the appropriate Decision Maker(s) depending on whether the Respondent is an employee or a student.

- 8.) At the hearing, the Decision Maker has the authority to hear and make determinations on all allegations of Sexual Harassment and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with those aforementioned allegations, even though those collateral allegations may not specifically fall within the Sexual and Gender Based Misconduct Policy.
- 9.) Ordinarily, but subject to the discretion of the Decision Maker, hearings will open with a statement from the parties (but not their Advisors), followed by questioning of the parties by the Decision Maker. For cases of Title IX Sexual Harassment, each party's Advisor will then be permitted to ask cross-examination questions of the other party. Witnesses will similarly be questioned first by the Decision Maker, and then, in cases involving allegations of Title IX Sexual Harassment, by the parties' Advisors. Advisors will not be permitted to make opening or closing statements, or to participate actively in the hearing other than through their posing of cross-examination questions. For cases that do not involve allegations of Title IX Sexual Harassment, parties may submit the questions they would like asked of other parties or witnesses to the Decision Maker, but their advisors will not be allowed to cross-examine other parties or witnesses.
- 10.) All questions are subject to a relevance determination by the Decision Maker. During a hearing on allegations of Title IX Sexual Harassment, the Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Decision Maker upon request or agreed to by the parties and the Decision Maker), the proceeding will pause to allow the Decision Maker to consider it, and the Decision Maker will determine whether the question will be permitted, disallowed, or rephrased.⁵ The Decision Maker will explain any decision to exclude a question as not relevant, or to reframe it for relevance.
- 11.) If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to respond to relevant cross-examination questions posed by an Advisor, then the Decision Maker may not rely on any prior statement made by that party or witness (including those contained in the investigative report) in the ultimate determination of responsibility. The Decision Maker must disregard that statement. Evidence provided that is something other than a statement by the party or witness may be considered.⁶
- 12.) The Decision-maker will determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. The preponderance of the evidence standard of proof (that is, whether the evidence considered establishes that it is "more likely than not" that the policy was violated) is used.
- 13.) Within five (5) business days the Decision Maker will then prepare and deliver to the

⁵ The Decision Maker will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Decision Maker has final say on all questions and determinations of relevance, subject to any appeal. The Decision Maker may consult with legal counsel on any questions of admissibility. The Decision Maker may ask advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the advisors on relevance once the Decision Maker has ruled on a question.

⁶ This evidence rule applies only to allegations of Sexual Harassment that fall in to the jurisdiction of Title IX. For allegations that have been dismissed for the purposes of Title IX or for cases that involve allegations of Non-Title IX Sexual Harassment, Sexual Misconduct, or other violations of University policies, the Decision Maker may consider any prior statement of a party regardless of whether or not they submit to cross examination/answer questions during the hearing.

Title IX Coordinator a written Notice of Outcome regarding whether the Respondent is or is not responsible for the policy violation(s) in question. The Notice of Outcome will include:

- Identification of the section(s) of the University's Title IX Sexual Harassment policy alleged to have been violated;
- A description of the procedural steps taken from the receipt of the complaint through the determination, including but not limited to, as applicable, any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of definitions of sexual harassment in the University's Title IX Sexual Harassment Policy to the facts <https://www.norwich.edu/policy-library/2634-sexual-and-gender-based-misconduct-policy>;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility and, where necessary and in collaboration with the sanctioning officer, a statement regarding any sanctions and the rationale herefor; and
- Identification of the University's procedures and permissible bases for the Complainant and Respondent to appeal (as outlined below).

The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely. The determination will also notify the parties whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to the Complainant, but will not provide details about any such remedies. If sanctions are necessary, they will be assigned in accordance with the Sanctions section below.

- 14.) In cases where the Decision Maker determines that the Respondent is responsible for a policy violation, the Title IX Coordinator will share the Decision Maker's determination with the appropriate personnel who will assign sanctions⁷.
- 15.) The Title IX Coordinator will share the Notice of Outcome with the parties simultaneously.

The time periods prescribed in this procedure 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.

Parties may request investigative updates at any time throughout the process.

INTRODUCTION OF NEW EVIDENCE OR WITNESSES AT THE HEARING

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator, unless all parties and the Decision Maker's assent to the witness's participation in

⁷ For employee respondents, this is the Director of Human Resources and for student respondents this is the Director of Student Conduct.

the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Decision Maker do not assent to the admission of relevant evidence newly offered at the hearing, the Decision Maker has the discretion to delay the hearing and instruct that the investigation needs to be re-opened to include that evidence.

TRAINING

Decision Makers, Appellates, the Deputy Title IX Coordinator and Case Manager (this group, in addition to the Title IX Coordinator, is collectively known as the Title IX Team) are selected by the Title IX Coordinator in consultation with the Senior Vice President of Student Affairs and Technology and the Director of Human Resources. The Title IX Team is trained annually and that training is available for public review. The training received can be found at www.norwich.edu/title-ix

ALTERNATIVE HEARING PARTICIPATION OPTIONS

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator at least five (5) business days prior to the hearing.

The Title IX Coordinator or their designee can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

RECORDING HEARINGS

Hearings are recorded by the University for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted. The Decision-maker(s), the parties, their Advisors, and appropriate administrators of the University will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

PROMPT AND EQUITABLE FORMAL GRIEVANCE PROCEDURE (FOR RESOLUTION OF SEXUAL MISCONDUCT CASES)

- 1.) Upon receipt of the final investigative report, the Title IX Coordinator will make available to the Complainant, the Respondent and their Advisors a copy of the report and any exhibits for their review.
- 2.) The parties will have five (5) days to review the investigative report and exhibits and to respond in writing. Both parties may request to meet with the Title IX Coordinator to elaborate on their response or to ask any clarifying questions of the report. The additional information from these writing responses and individual meetings with the Title IX Coordinator will be added to the investigative report as an addendum to the report, as deemed appropriate by the Title IX Coordinator. Such meetings will be audio-recorded, and the parties and their Advisors will be permitted a timely and equal opportunity to review the audio-recording under conditions proscribed by the Title IX Coordinator (which will not permit the copying of the audio recording)
- 3.) Using the investigative report, its exhibits, and any addendum, the Title IX Coordinator will review all evidence and facts and make a determination regarding whether or not the Respondent is responsible for a policy violation.. 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.

- 4.) The Title IX Coordinator will determine whether or not a violation of the policy has occurred and refer the finding to the appropriate office to determine what sanctions will be imposed, if applicable⁸. 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. Prior conduct determinations may also be considered by the sanctioning officer to determine what level of disciplinary action is appropriate, where applicable.
- 5.) The Title IX Coordinator will simultaneously notify the Complainant and the Respondent in writing of the outcome 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.
- 6.) This Notice of Outcome will include: a statement detailing the determination, rationale, the evidence relied upon to support of its determination, the rationale for any sanctions, and a description of or citation to the procedures for the parties to appeal.

The time periods prescribed in this procedure 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.

Parties may request investigative updates at any time throughout the process.

APPEAL PROCESS

Both parties shall have the right to appeal the Title IX Coordinator's dismissal of a formal complaint for Title IX purposes or the outcome of a formal resolution process, based on the following grounds:

- The introduction of new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- That the evidence was/was not sufficient to support a policy violation;
- The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter;
- There was a procedural irregularity that affected the outcome of the matter; and/or
- The sanctions were not appropriate to the violation.

Appeals must be submitted in writing to the Title IX Coordinator within 72 hours of receipt of the notification of the decision. An appeal will not be considered if submitted after the allotted 72 hours have elapsed. The other party will be notified of the appeal and the grounds the appeal was filed under. Any sanctions imposed in the Notice of Outcome are stayed during the appeal process.

⁸ For employee respondents, the sanctioning officer is the Director of Human Resources and for student respondents this is the Deputy Commandant for Discipline.

The appellate authority may 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 five (5) days of the date of the appeal with a copy to the Title IX Coordinator.

Appeal Procedures

Any party may appeal a determination regarding responsibility under the grounds set forth in Sexual and Gender Based Misconduct Policy. Supportive measures may be continued or reinstated by the Title IX Coordinator during the appeal process, subject to the Supportive Measure procedures outlined above. If no appeal is filed, or an appeal is not timely, the original finding will stand, effective on the date the appeal period expires. The appeal procedures herein are implemented equally for all parties.

1. Upon delivery of the Notice of Outcome, both parties may submit an appeal to the Title IX Coordinator within 2 business days. Following receipt of a Notice of Dismissal for the Purposes of Title IX, the parties may submit an appeal to the Title IX Coordinator within 2 business days.
2. An appeal must articulate the specific ground(s) for the appeal and provide a statement and/or evidence in support of or challenging the responsibility determination or dismissal decision.
3. The Title IX Coordinator will promptly confirm receipt of the appeal and notify the other party of the filing of the appeal by distributing a written Notice of Appeal to both parties.
4. The Title IX Coordinator will determine if the appeal is timely. If the appeal is timely, the Title IX Coordinator will:
 - a. Appoint an Appeal Officer to decide the appeal. The Appeal Officer is independent of the previous process, including from any dismissal appeal that may have been heard earlier in the process.
 - b. Provide the identity and contact information for the Appeal Officer to the parties.
 - c. If both parties submit appeals (e.g., cross-appeals or counter-appeals), the same Appeal Officer will decide both appeals individually, but contemporaneously. The same Appeal Officer will decide any appeals arising from the same facts and circumstances.
5. The parties shall have 24 hours to object to the appointment of the Appeal Officer, in writing, on bases of perceived bias or conflict of interest.
 - i. The bases of objection must be articulated in writing.
 - ii. The Title IX Coordinator has the sole authority to determine whether to replace the Appeal Officer and that decision is final.
6. When the selection of the Appeal Officer is final, the Title IX Coordinator will provide the appeal to the Appeal Officer.
7. The parties are entitled to an advisor during the appeal process.
8. The Appeal Officer will review the appeal and determine whether it articulates a valid ground or grounds for appeal pursuant to the Appeals section of the Sexual and Gender Based Misconduct Policy.
9. If an appeal does not articulate a valid ground or grounds for appeal, the Appeal Officer will dismiss the appeal, in writing, for failing to articulate a valid ground for appeal. The Title IX Coordinator will communicate the dismissal decision to the parties simultaneously.
10. If the Appeal Officer determines the appealing party has articulated valid grounds for appeal, the Appeal Officer will notify the parties simultaneously.

11. Following this notification, the non-appealing party has 2 business days to submit a written response to the appeal to the Appeal Officer, which will be provided to the appealing party.
12. An appeal of a determination on responsibility is not a review of the entire matter; rather, it is an objective review of the written documentation related to the investigatory and hearing processes and record of the Hearing, along with the appeal-related submissions authorized herein.
13. The Appeal Officer is to defer to the original findings and determination, remanding only when there is clear reason to do so, and modifying the outcome and sanction(s) only when there is a compelling justification to do so.
14. The Appeal Officer may take one of three possible actions on appeal:
 - a. Dismiss the appeal for failure to meet the grounds of appeal, upholding the initial outcome and sanction(s), if applicable.
 - b. Remand to the original investigator or hearing panel with specific instructions on the remanded issue(s).
 - c. Modify the outcome and/or sanction with a rationale supporting the modification.
15. Within five (5) days of the date of the appeal, a Notice of Appeal Outcome will be sent to all parties and the Title IX Coordinator simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the University is permitted to share under state or federal law.
16. The Appeals Officer's decision is final and there are no further appeal options.
17. If a sanction is imposed, the Title IX Coordinator will coordinate the implementation of the sanction. The Title IX Coordinator will also coordinate and implement the remedies owed to the Complainant and implement any other long-term support measures, as necessary.

SANCTIONS

If it is determined that this policy has been violated, sanctions will be reasonably calculated to attempt to prevent reoccurrence and promote or restore the Complainant's equal access to the University's education programs and activities. Prior violations of University policy and sanctions will be taken into consideration in determining appropriate sanctions. Sanctions for violations of this policy range from reprimand through expulsion/termination. Sanctions may include, but are not limited to, 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 complainant);
- 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;
- Disciplinary probation;

- Suspension;
- Change in or limitation of job duties;
- Referral to another University process for the determination of an employee Respondent’s employment status, as required under other applicable staff or faculty procedures; 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.

REMEDIES

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, prevent reoccurrence, and promote or restore the Complainant’s equal access to University programs and activities. These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies owed by the University to the Respondent to ensure no effective denial of educational access.

The University will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair the University’s ability to provide these services.

QUESTIONS, NOTICE, AND SUPERSEDING OF PRIOR POLICIES

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made to the Title IX Coordinator.

This policy is subject to change to comply with changes in relevant laws or University operating procedures. If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings.

This policy supersedes all previous Norwich University policies and procedures that covered

some or all of the areas addressed in this policy. However, the policy version utilized for each complaint must align with the date of the alleged conduct.

PREVENTION PROGRAMMING AND EDUCATION

All students and employees within our campus community deserve to feel safe and supported. Norwich University prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking (for definitions of these prohibited behaviors, please see page 14-17) and works year-round to provide you with education, tools, and resources to recognize concerning or harmful behaviors and strategies for intervening or to help others get the support they need.

As part of these efforts, Norwich University provides primary prevention and awareness campaigns for all incoming students and new employees as well as ongoing prevention and awareness campaigns for all students and employees.

These programs are comprehensive, intentional, and integrated programs, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking.

Norwich University considers our own unique campus when designing these programs, to ensure they are:

- Culturally relevant
- Inclusive of diverse communities and identities
- Sustainable, so the programs can continue to benefit our campus community
- Responsive to community needs; and
- Informed by research or assessed for value, effectiveness or outcome

The University also considers environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels, so that we can address actual issues that may influence how or if violence is occurring within our own community and how the programs can meet our collective needs.

All of the programs will reinforce that dating violence, domestic violence, sexual assault, and stalking is unacceptable (and prohibited) within our campus community. These programs will:

- Address how we define these terms under University policy.
- Address the definitions of dating violence, domestic violence, sexual assault, and stalking within our jurisdiction. (Norwich's Sexual and Gender Based Misconduct Policy uses different definitions to define these crimes than the definitions within our jurisdiction. It's helpful to know the distinction in case you or a friend would ever choose to pursue the criminal justice process. You can find the jurisdictional definitions on page 11.) They'll also talk about how consent is defined within our jurisdiction, which you can also find on page 18 for reference.
- Discuss safe and positive options for bystander intervention. This is an important part of our prevention philosophy on our campus, so you can also find some of these strategies listed below.
- Share information on risk reduction, options that work to decrease perpetration and bystander inaction and increase empowerment for victims of these crimes. The goal is to promote safety overall and help our institution address any conditions that might facilitate violence within our own community.

- Give you more information about the University disciplinary process, which is also explained on pages 29-45 within this ASR.

What's the difference between primary prevention and awareness?

PRIMARY PREVENTION

Primary prevention programs are those that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

In the descriptions of our programs below, you'll get a sense of what programs focus on these ideas and encourage you and your peers to intervene if appropriate.

AWARENESS

Awareness programs are programs that are community-wide (anyone can access) or audience-specific (targeted towards a certain segment of our community or students or employees specifically) that increase your knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

Our awareness programs may address primary prevention specifically, but may also raise your own knowledge about these types of crimes and how they can impact a campus community.

What is bystander intervention?

Bystander intervention involves safe and positive options that might be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking.

Bystander intervention includes:

- Recognizing situations of potential harm
- Understanding institutional structures and cultural conditions that facilitate violence;
- Overcoming barriers to intervening;
- Identifying safe and effective intervention options; and
- Taking action to intervene.

You'll learn more about these options in the programs described below, but here are a few strategies for bystander intervention to consider:

Safety is Your Top Priority

Before jumping into a potentially dangerous situation, be smart and think about your own safety.

Ask yourself these questions:

- How can I keep myself safe in this situation?
- What are all the options available?
- Who else might be able to assist me?
- Aside from safety in numbers, you may have more influence on the situation when you work together with someone else or even several people.

The Three "D"s of Bystander Intervention

Remember the Three "D"s in your role as an active bystander:

- Direct: Directly confront the inappropriate behavior
- Distract: Draw away or divert attention.
- Delegate: Reach out to someone else for help, like Public Safety or the Police.

Examples of Bystander Intervention

- Direct: Point out threatening or inappropriate behavior in a safe, respectful manner.
- Distract: Make up an excuse to help the friend get away from someone who might pose danger ("Let's go dance!")
- Delegate: Alert a bartender or party host that someone has had too much to drink.

What is risk reduction?

Risk reduction refers to tools/strategies/behaviors/options that decrease perpetration and bystander inaction and promote victim empowerment.

Notice that our definition of risk reduction includes giving bystanders tools to overcome barriers that might lead them not to intervene, so all the tips provided above are not just bystander intervention, but can also be considered risk reduction. It is up to us as a community to look out for one another and create the safe environment all our students and employees deserve.

While victim-blaming is never appropriate, and Norwich fully recognizes that only those who commit sexual misconduct are responsible for their actions, the institution provides the suggestions that follow to help individuals reduce their risk of being victimized and their risks of committing acts of sexual misconduct.

Reducing the Risk of Victimization

- Make any limits/boundaries you have known as early as possible
- Clearly and firmly articulate consent or lack of consent
- Remove yourself, if possible, from an aggressor's physical presence
- Reach out for help, either from a person who is physically nearby or by calling someone. People around you may be waiting for a signal that you need help
- Take affirmative responsibility for your alcohol and/or drug consumption. Alcohol and drugs can increase your vulnerability to sexual victimization
- Look out for your friends, and ask them to look out for you. Respect them, and ask them to respect you, but be willing to challenge each other about high risk choices

Reducing the Risk of Being Accused of Sexual Misconduct

- Show your potential partner respect if you are in a position of initiating sexual behavior
- If a potential partner says "no," accept it and don't push. If you want a "yes," ask for it, and don't proceed without clear permission
- Clearly communicate your intentions to your potential sexual partner, and give them a chance to share their intentions/boundaries with you
- Respect personal boundaries. If you are unsure what is okay in any interaction, ask
- Avoid ambiguity. Don't make assumptions about consent, about whether someone is attracted to you, how far you can go with that person, or if the individual is physically and mentally able to consent. If you have questions, or are unclear, you

don't have consent.

- Don't take advantage of the fact that some may be under the influence of drugs or alcohol, even if that person chose to become that way. Others' loss of control does not put you in control
- Be on the lookout for mixed messages. That should be a clear indication to stop and talk about what your potential partner wants or doesn't want to happen. That person may be undecided about how far to go with you, or you may have misread a previous signal.
- Respect the timeline for sexual behaviors with which others are comfortable, and understand that they are entitled to change their minds
- Recognize that, even if you don't think you are intimidating in any way, your potential partner may be intimidated by or fearful of you, perhaps because of your sex, size, social capital, or a position of power or authority you might hold
- Don't assume that someone's silence or passivity is an indication of consent. Pay attention to verbal and non-verbal signals to avoid misreading intentions
- Understand that consent to one type of sexual behavior does not automatically grant consent to other types of sexual behaviors. If you are unsure, stop and ask.
- Understand that exerting power and control over another through sex is unacceptable conduct.

As you can see from some of the tips and information we've included above, we stress in our programming the need for consent and respecting a partner's boundaries at all times, especially when engaging in sexual activity, not pressuring others to consume alcohol or any other harmful behaviors; and reinforcing resources within the community to access safe rides or other safety support.

PROGRAMS OFFERED

Below is information on the programs we offer – we hope we'll see you at some of them this year. For more information on some of these offerings, or to request a training or program, email or call the University's Title IX Coordinator at dslauzis@norwich.edu or (802) 485-2144.

(1.) Title IX Refresher (for All Students) – Review University policy and procedures around sexual and gender based misconduct, including defining dating violence, domestic violence, sexual assault, and stalking, and reviewing University jurisdiction, reporting options, resolution procedures, and risk reduction behaviors.

When/How can I access it?

At the start of every academic year

This training is also hosted for student staff members (Resident Assistants and Corps Leaders) at the start of the academic year.

(2.) Intro to Title IX (for First Year Students) – Review University policy and procedures around sexual and gender based misconduct, including defining dating violence, domestic violence, sexual assault, and stalking, and reviewing University jurisdiction, reporting options, resolution procedures, and risk reduction behaviors.

When/How can I access it?

During Fall and Spring Orientation

(3.) Intervene (for Students, Faculty and Staff) – This program goes over different scenarios and helps participants think through how they would respond to those scenarios, and reviews the resources and support services available to help a bystander who wants to intervene.

When/How can I access it?

Students: Early spring semester for civilian students, throughout the year at Friday and Tuesday afternoon trainings for corps of cadets.

(4.) Implicit Bias Training (for Staff and Faculty) – Understand how implicit bias and unconscious beliefs can impact our actions and who we see as a victim and as perpetrator, and have tools to be impartial and compassionate upstanders.

When/How can I access it?

At staff retreat/on demand

(5.) Preventing, Recognizing, and Reporting Sexual Misconduct Training (for Staff and Faculty) – Review and define dating violence, domestic violence, sexual assault, and stalking, focusing on understanding their prevalence in society and identifying warning signs. Review University jurisdiction, reporting options and requirements, resolution procedures, and risk reduction behaviors.

When/How can I access it?

Online course assigned at the start of November each year.

(6.) Sex Signals (for First Year Students) – this program uses humor to go over topics like consent, safe and healthy sexual interactions, and how to help your peers who might be in an unsafe situation.

When/How can I access it?

Fall Orientation

(7.) Ongoing Tips – the LEAP Instagram account regularly posts information about supportive resources, consent, and ongoing programs.

When/How can I access it?

Ongoing online

In addition to the above programs that are offered every year, the University also hosts a variety of other prevention and awareness programs throughout the year. These programs change from year to year to best address the needs of the community, but have include the following in the past:

- Ask the Sexpert – a program focused on creating a safe space to asked a licensed sexologist questions about safe sexual practices
- Healthy Relationships – Partnering with Washington County’s local advocacy

agency to offer a program that focuses on how to build a healthy relationship, and what to do if you are in an unhealthy relationship

- My Stalking Story – bringing in speakers to share their experience with stalking and resources available to help
- Responding to a Crisis and Knowing your Resources – Legal and law enforcement experts share tips for keeping yourself safe, and how to safely intervene in dangerous situations
- Cyber Security – A program geared towards helping people learn safe online habits, and what to do if you are being harassed online
- SafeZone Training – Training geared towards raising awareness around LGBTQIA+ topics, resources, and support services, and providing tools to be allies.
- Intervene: Distracted Driving Edition
- A Call to Men – unpacking masculinity and understanding how men can help end toxic expectations around what it means to be a man

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 identity, transgender status, 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 Ext. 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 Vice President 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

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, 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

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

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

- 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

- 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

MOSIAC

24-hr Hotline: (802) 479-5577

info@mosiac-vt.org

- 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, non denominational, non-Christian, and other religious services.

Norwich University Counseling and Wellness

Center • (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

Green Mountain Area Narcotics Anonymous

(802) 773-5575 (24 hr.) • 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

NORWICH UNIVERSITY CRIME STATISTICS

CRIMINAL OFFENSES	On Campus			Residence Halls			Non-campus			Public Property			Unfounded		
	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019
	Murder/Non-negligent manslaughter	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	5	6	9	3	2	9	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	13	6	6	11	4	6	0	0	0	0	0	0	0	1	0
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	3	0	1	1	0	1	0	0	1	0	0	0	0	0	0
Burglary	3	1	3	2	1	3	0	0	0	0	0	0	0	0	0
Motor vehicle theft	1	0	2	0	0	2	0	0	0	1	0	0	0	0	0
Arson	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0

ARRESTS	On Campus			Residence Halls			Non-campus			Public Property			Unfounded		
	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019
	Liquor law violations	2	1	0	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		
	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019
Liquor law violations	139	91	50	128	91	50	0	0	0	0	0	0	0	0	0
Drug law violations	13	9	7	12	8	7	0	0	0	0	0	0	0	0	0
Illegal weapons possessions	3	5	0	2	3	0	0	0	0	0	0	0	1	0	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		
	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019
Dating Violence	3	3	2	3	3	2	0	0	0	0	0	0	0	0	0
Domestic Violence	2	0	0	2	0	0	0	0	0	0	0	0	0	0	0
Stalking	2	3	5	2	3	5	0	0	0	0	0	0	0	0	0

2017- There were no hate crimes reported.

2018-One on-campus race related simple assault.

2019 - There were no hate crimes reported.

FIRE SAFETY REPORT FOR 2019

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.

Students who locate a fire should call 911 or Public Safety by pulling a fire alarm within the building. If a fire is discovered after it is out, students should report the fire to Public Safety or the Student Affairs office immediately.

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.

Student Leaders and Employees receive fire safety training yearly which includes classroom and hands on applications through an certified independent contractor.

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, 2019 and completed by October 30, 2019. All student Residence Halls were drilled.

Norwich University Fire and Safety Standards are located in the Student Rules and Regulations, <https://www.norwich.edu/policy-library/1461-student-rules-and-regulations>, 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.

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

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. Students are prohibited from cutting down, digging up or in any way damaging trees and shrubs on campus.
9. 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 Senior Vice President of Student Affairs and Technology. 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).

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.
10. There is no smoking or any open flames in student housing facility.

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 always re-evaluates its fire safety plans. If determined necessary by the University we will always consider safety first and upgrade our program and facilities. Currently there are no plans for future improvements in fire safety.

Norwich University Residential Facilities:	Sprinkler System	Smoke/CO Detection	Fire Extinguisher Devices	Number of Fire Drills per Calendar Year	Fires				Fire Deaths		
					2017 Cause	2018 Cause	2019 Cause	2017	2018	2019	
Gerard Hall	X	X	X	2	0	0	0	0	0	0	0
Ransom Hall	X	X	X	2	0	0	0	0	0	0	0
Alumni Hall	X	X	X	2	0	0	0	0	0	0	0
Wilson Hall	X	X	X	2	0	0	0	0	0	0	0
Goodyear Hall	X	X	X	2	0	0	0	0	0	0	0
Patterson Hall	X	X	X	2	0	0	0	0	0	0	0
Dodge Hall	X	X	X	2	0	0	0	0	0	0	0
Hawkins Hall	X	X	X	2	0	0	0	0	0	0	0
Crawford Hall	X	X	X	2	0	0	0	0	0	0	0
South Hall	X	X	X	2	0	0	0	0	0	0	0
Dairyple Hall	X	X	X	2	0	0	0	0	0	0	0



NORWICH
UNIVERSITY[®]

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