

BENNINGTON COLLEGE

OFFICE OF CAMPUS SAFETY

Annual Security and Fire Safety Report 2015

In compliance with the

**Jeanne Clery
Disclosure of Campus Security Policy
and Campus Crime Statistics Act**

Daily crime and fire log located at the Office of Campus Safety

Compiled by the
Bennington College
Office of Campus Safety
802-447-4250
www.bennington.edu

MESSAGE FROM THE DIRECTOR

Welcome to Bennington College. The men and women of the Bennington College Office of Campus Safety are dedicated to maintaining a safe campus atmosphere for everyone. However, we can only achieve a truly safe campus through the cooperation of all students, faculty, and staff. Each of us must assume personal responsibility by reporting and taking reasonable safety precautions.

Campus Safety officers are on duty 24 hours a day, year round, patrolling campus and responding to emergencies and requests for assistance. Campus Safety officers have full authority to enforce the policies outlined in the *Student Handbook*.

Full-time Campus Safety officers receive 80 hours of campus safety training. Officers are also certified in First Aid, CPR, AED, and they receive additional in-service training throughout the year on topics such as incident report writing, fire safety, sexual harassment and other programs.

Bennington College has an Emergency Operations Plan that addresses emergency situations. During an emergency requiring immediate action, Bennington College can notify community members through the *Send Word Now Emergency* Notification system (via email, voice message, and text messages) and will also activate the emergency siren as needed.

As on any college or university campus, we are not insulated from crime. We encourage members of our community to partner with us in identifying risks and decreasing the opportunities for crime. Reducing crime is a community project with proactive intervention being the responsibility of all community members.

Sincerely,

Kenneth Collamore
Director of Campus Safety
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CAMPUS SAFETY MISSION STATEMENT

To provide a variety of efficient and effective campus safety services to a diverse constituency in a professional, timely, and courteous manner. In all of our interactions, we will maintain a calm demeanor, be objective, and treat everyone with respect and dignity.

PREPARATION OF THE ANNUAL CRIME AND FIRE REPORTS

The director of Campus Safety, with the assistance of the dean of Student Life, compiles the statistics for the Campus Crime and Fire Reports. The Director of Campus Safety also completes the online registration and data entry to the Department of Education website. The Bennington Police and Fire are queried regarding any crimes and fires that may have been reported to them on campus, off campus, and on public property. The Offices of Campus Safety and Student Life compiles statistics on disciplinary referrals for drug, alcohol, and weapons violations, which are provided to the Director of Campus Safety for inclusion in the report. It is the practice of the College that incidents observed on campus or reported to other offices are also reported to Campus Safety for documentation and follow-up.

REPORTING CRIMES AND EMERGENCIES

Members of the Bennington College community and guests to the campus are encouraged to report emergencies and suspected criminal activity to the Office of Campus Safety immediately. Campus Safety maintains an **emergency phone number** (dial 210) for immediate assistance. Outside emergency phones with the “**blue light**” are located throughout the campus. In addition, campus buildings have public campus phones with stickers indicating the phone numbers for Campus Safety. Members of the Bennington College community are also encouraged to report crimes that have already occurred to the Office of Campus Safety for the purpose of including the crimes in the annual statistical disclosure.

If you witness a crime or wish to report an emergency, call:

Office of Campus Safety	
Emergency	767
Non-Emergency	0
(or 802-447-4250 from off campus)	
Town of Bennington police, fire, EMS	
Emergency	9-1-1

You may also report in person at the Office of Campus Safety on College Drive.

The Bennington College community is informed of crime and Campus Safety issues by:

Annual Report: A comprehensive annual report of crime statistics and Campus Safety programs is compiled, published, and widely distributed. The notice of availability of the report

is sent to current students and employees via email and is included in new employee orientation packets and new student orientation information. The report is also on the College website, www.bennington.edu. A printed brochure of the report is available upon request at the Offices of Campus Safety, Student Life, and Human Resources.

Daily Log: The Office of Campus Safety prepares and maintains a daily log for public viewing. This log is available 24 hours a day.

Timely Warning Notices: Bennington will provide a timely warning to the campus community when a crime has occurred or is occurring, has been reported to Campus Safety, and is considered to represent a threat to the campus community. Campus Safety provides warning notices to the community in a manner that is timely to aid in the prevention of similar crimes and withholds as confidential the names and other identifying information of victims. Notices are sent by campus email, voice messages, and text messages via the SWN Emergency Notification System.

When reporting a crime or emergency:

1. **Remain calm.**
2. **Give the location of the incident**—building name, room number, and parking lot name, if applicable.
3. **Identify yourself and give a callback telephone number.** Your identity will remain confidential if you wish; however, it is important that we are able to contact you if we need additional information.
4. **State the incident you are reporting** (i.e., theft, medical emergency, fire).
5. **Describe the scene**—who and how many people are there, if medical treatment is being given, description of subjects, and other information.
6. **State the subject’s direction of flight**, if applicable.
7. **Stay on the phone** until the coordinator has recorded all of the information.

SECURITY AND ACCESS TO CAMPUS FACILITIES AND STUDENT HOUSES

Bennington College is private property. Community members may use campus facilities for public events in such buildings as the Visual and Performing Arts Center (VAPA), Student Center, art galleries, theaters, Crossett Library, or as invitees to non-public campus events.

People visiting a specific office or facility should stop at Campus Safety to obtain a visitor’s parking pass. All vendors must have prior approval from the College (often Student Life) and be registered with Campus Safety. Unauthorized people found on campus will be deemed trespassers and may be subject to criminal prosecution.

Students must sign in their guests with Campus Safety, must accompany them at all times on campus, and are responsible for

their actions. Students are also responsible to ensure that their guests abide by all College policies.

Some administrative buildings are secured during the evening, while some are open 24 hours a day. Those that remain open are Jennings Music Building, Deane Carriage Barn, Old Carpenter Shop, VAPA, CAPA, Dickinson, Tishman, the first floor of the Commons Building, and the upper and lower café at the Student Center. The Barn is locked at midnight. Exterior doors to student houses are locked from 11pm to 7am daily, and students may use the electronic card access system for entry; interior student rooms have keyed locks that students are encouraged to utilize. Campus Safety officers patrol all buildings, including student houses, and report any safety or maintenance issues to the Facilities Maintenance Department.

There are several areas (i.e., studios, labs) on campus that are restricted from access without authorization. Authorization must be on file at the Campus Safety Office prior to access being granted. Valid Bennington College identification is necessary to confirm authorization for access.

Faculty, staff, and students are required to carry their ID card at all times while on campus. Identification cards are issued by Student Life. This ID is required to access residential housing at night, check out materials from the Crossett Library or Jennings Music Library, to eat in the Dining Commons (for students on the meal plan) and to use the Meyer Recreation Barn. Identification must also be presented to a Campus Safety officer or other College official when requested.

CAMPUS SAFETY AND MAINTENANCE ISSUES

Maintenance problems affecting the safety and security of the campus are given high priority. Campus Safety officers document and report maintenance needs as part of their regular patrols. The staff works closely with the Maintenance, Housekeeping, and Student Life staff to maintain a safe and pleasant environment for living and working.

AUTHORITY AND RELATIONSHIP WITH OTHER AGENCIES

Bennington College Campus Safety officers, acting as agents of the College, are authorized to enforce policies and regulations of the College and to refer those individuals in violation to the Dean of Students. Campus Safety officers do not have sworn police powers and cannot arrest individuals. The College maintains a cooperative working relationship with the Town of Bennington Police Department, though it does not have a memorandum of understanding with local police. Campus Safety officers work with local police to encourage accurate and prompt reporting of all crimes to Campus Safety officers and the Town of Bennington Police Department when the victim of a crime elects to, or is unable to, make such a report.

The College does not have any off-campus student organizations that are officially recognized by the College.

CRIME AWARENESS AND PREVENTION PROGRAMS

The Office of Campus Safety believes that crime awareness is the key to crime prevention. The following services and programs are provided by Campus Safety and/or Student Life to educate the community members:

- **Training for Student Life Staff:** Campus Safety personnel participate in and provide training regarding campus safety procedures and practices once a year during Student Life orientation for first year students and at various times during the year for all other students, including vehicle maintenance safety, residential electrical safety, and fire safety. Employees are educated on campus security programs and procedures during employment orientation and “brown bag basics” sessions throughout the year. At these sessions students and employees are encouraged to be responsible for their own security and the security of others. Students and employees learn to prevent crimes through diligent interactions with campus safety staff.
- **Fire Safety Programs:** Each school year the residential house chairs complete a fire safety training program, including alarms, detectors and fire extinguisher understanding and use. In addition, every student room is individually inspected by members of Campus Safety for any fire and safety related concerns. Issues are corrected and educational information is disseminated.
- **Crime and Campus Safety Alerts:** Crime and Campus Safety Alerts are issued when a crime or pattern of crimes or other activity presents an immediate and significant danger to the community. These alerts are sent out simultaneously via email, voice message, and text messages through the College’s “Send Word Now” emergency notification system.
- **Personal Safety Escort Service:** From dusk to dawn, Campus Safety provides transportation on and off campus.
- **Student Life House Chairs/Campus Safety Staff Meetings:** Through the Campus Safety Student Committee, weekly meetings are held to discuss safety and security concerns students may raise, and to maintain ongoing communications.
- **Kelly Muzzi Memorial Safety Day:** At the start of each academic year, the Kelly Muzzi Memorial Safety Day is held to educate the community about safety issues. In addition to the Offices of Student Life and Campus Safety, the local police, fire department, and emergency rescue squad are invited to participate.
- **Safety Committee:** A committee comprised of faculty, staff, and administrators, meet quarterly during the year to discuss and propose solutions to safety concerns. Their findings and conclusions are communicated to the Bennington College community through email notifications and implemented by various department initiatives.

LOCK OUTS AND LOST KEYS

Students and employees occasionally get locked out of residential houses, rooms and offices; when that happens, Campus Safety

officers will respond to unlock the space. Proper photo ID must be shown to the Officer. Students who lose the key to their house room should contact the Locksmith Office at 802-440-4446.

POSSESSION, USE, AND SALE OF ALCOHOL AND DRUGS

Underage possession or use of alcoholic beverages is prohibited. By state law, no one under 21 years of age is permitted to consume, purchase, transport, or possess any alcoholic beverage, and students 21 years of age or older are not permitted to provide alcohol to a minor. The College does not condone violation of criminal law, including underage drinking. The laws of the State of Vermont govern all matters relating to alcohol on College premises, or at College-sponsored events. As members of the general public in this state, students are assumed to have full knowledge of these laws.

The College enforces local, state, and federal drug laws. The use, possession, or distribution of narcotics or other controlled substances, except as expressly permitted by law (i.e., prescription drugs) are forbidden. Federal and state law regarding narcotics and controlled substances shall be strictly observed and enforced. In addition, drug related devices (paraphernalia) are forbidden on College premises. Through the offices of Student Life and Psychological Services, a drug and alcohol “myths and misinformation” course is offered to the students to address the dangers of drugs and alcohol. The full text of the Bennington College Policy on Alcohol and Drugs can be found in the *Student Handbook* on pages 23–24 and online at www.bennington.edu.

INFORMATION ON REGISTERED SEX OFFENDERS

In accordance with the Clery Act and the Vermont Sex Offender Registry Law, information on registered sex offenders in the State of Vermont, including all counties, is available at www.communitynotification.com/cap_office_disclaimer.php?office=55275. There is a link at this website to search by name and/or county for registered sex offenders.

COLLEGE SEXUAL HARASSMENT AND ASSAULT PREVENTION AND PROGRAMMING

Bennington College is committed to proactively educating the community about sexual assault and harassment. In accordance with the Violence Against Women Act (VAWA Act), the College is actively engaged in training the community on a variety of topics included under the VAWA act. This includes sexual assault, sexual harassment, domestic violence, stalking, bystander intervention, and dating violence.

Bennington is a member of PAVE (Project Against Violent Encounters) and has conducted on-campus information sessions. In addition, the student group SWAG (Sexual Wellness Awareness Group) annually provides educational materials and programming about healthy sexual lifestyles.

Bennington College funded the educational programs “Bringing in the Bystander,” “Babeland,” 3rd Millennium

Project’s “Alcohol Wise,” and “Consent and Respect” courses which focus on these topics. In addition, the College is educating students on the benefits of and encouraging the use of a new phone app program called “Circle of 6,” which supports and offers the opportunity of immediate assistance to any individual with the activation of this app.

Bennington College will continue to seek out and support programs and education proven to make a difference and help educate the entire community on sexual assault and harassment in a timely and proactive manner.

SEXUAL HARASSMENT, SEXUAL MISCONDUCT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING POLICY AND PROCEDURES

At Bennington College we value individual responsibility, self-exploration, and discovery, as well as focused self-direction. Sexual harassment, sexual misconduct, and other acts covered in this policy subvert the fundamental core of our values and the educational mission of Bennington College and threaten the well-being of students, faculty, and staff. The College is committed to take action, and may be required to take action, if it learns of potential violations of this policy, even, in some instances, if the person subjected to such misconduct does not wish to formally file a complaint.

Consent Policy

At the foundation of this policy is the understanding that in order to engage in behavior of a sexual nature there must be clear, knowing, and voluntary consent prior to and during sexual activity. Under Vermont law, “consent” to sexual activity is defined to mean “words or actions by a person indicating a voluntary agreement to engage in a sexual act.” For purposes of the College’s Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking Policy, the following is true of consent:

- Consent is informed, active, and freely given and is grounded in rational and reasonable judgment. It requires clear communication between all persons involved in the sexual encounter.
- Consent can be communicated verbally or by action(s). Consent must be mutually understandable by all parties involved in the sexual experience, which a reasonable person would interpret as a willingness to participate in agreed-upon sexual conduct.
- The person initiating the sexual contact is always responsible for obtaining consent from their partner(s). It is not the responsibility of one party to resist or communicate “no” to the sexual advances of another.
- Consent is not the absence of resistance. Silence is an inactive behavior and does not constitute consent. If a partner is inactive (for example, silent or physically still) sexual activity must stop until both partners have communicated clearly with each other about what, if any, sexual activity is mutually desired.
- Consent to one form of sexual activity does not imply consent to another form of sexual activity. Each new sexual act requires new consent.
- Consent can be withdrawn by either party at any time.

- Consent at one time and to one sexual act does not imply consent at any other time to that or any other sexual act at a later date and regardless of previous relations.
- Consent to engage in sexual activity with one person does not imply to consent to engage in sexual activity with another.
- Consent may not be given by minors, when a physical or mental condition is present such that the person cannot knowingly or voluntarily give consent, or by incapacitated persons. A person may be incapacitated as a result of alcohol or other drug use. A person who is unconscious, unaware, or otherwise physically helpless cannot give consent to sexual activity.
- A person will be considered unable to give valid consent, for example, if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing.
- Imbalance of power (supervisor–supervisee, faculty member–student, etc.) may lead to confusion about consent.

Consent cannot result from force, or threat of force, coercion, fraud, intimidation, incapacitation (due to drunkenness for example), or imbalance of power. The College will use an objective standard when determining incapacitation-related questions; that is, the College will determine whether from the standpoint of a reasonable person, the respondent knew or should have known that the complainant could not effectively consent because he or she was incapacitated.

It should be noted that ignorance of the policy noted above, or the intoxication of the respondent, will not (particularly given the College's objective standard) be considered an excuse for violating this policy.

Notice of Nondiscrimination on the Basis of Sex

Bennington College is committed to providing an environment free from discrimination as defined under applicable state and federal laws, including but not limited to, Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs and activities. Prohibited sex discrimination includes sex-based discrimination and sexual harassment and sexual misconduct as described in this policy. The College does not discriminate on the basis of sex, nor does it tolerate sexual harassment or sexual misconduct in its education programs or in the employment setting.

The College expects all members of the campus community to conduct themselves in a manner that does not infringe upon the rights of others consistent with Title IX, and in accordance with amendments to the federal Clery Act made by the Violence Against Women Reauthorization Act of 2013. This policy is intended to define community expectations and prohibited conduct regarding issues of sexual harassment, sexual misconduct, domestic violence, dating violence, and stalking; establish a mechanism for determining when those expectations have not been met; define procedures for responding to incidents of such misconduct; provide resources available to those affected by such behavior; and provide for corrective and remedial action where necessary.

The College is committed to educating our community to effectively identify and reduce the existence of sexual harassment,

sexual misconduct, domestic violence, dating violence, and stalking /sexual harassment as defined in this policy and all related laws. This policy reaffirms our commitment to providing a safe and nondiscriminatory working and learning environment.

Title IX Coordinator

The senior vice president for strategic initiatives is the College's Title IX Coordinator, and is responsible for coordinating the College's efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator's core responsibilities include overseeing the school's response to Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. To accomplish this, subject to the exemption for confidential employees discussed below, the Title IX Coordinator must be informed of all reports and complaints raising Title IX issues, even if the report or complaint was initially filed with another individual or office or if the investigation will be conducted by another individual or office. The Title IX Coordinator is available to respond to inquiries regarding sex-based discrimination, sexual harassment, or sexual misconduct, and to meet with students, employees, or third parties regarding Title IX-related issues, such as issues related to the College's compliance with Title IX, response to Title IX reports or complaints, related grievance procedures, relevant patterns of conduct, or related education and prevention programs.

Title IX Coordinator

David Rees
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General Definitions

Complainant

For ease of reference and consistency, the term "complainant" is used in this policy to refer to a person who believes that he or she has been subjected to sexual harassment, sexual misconduct, domestic violence, dating violence or stalking, or who is believed by another to have been subjected to such conduct.

For purposes of this policy, a complainant is usually a student, employee, or third party involved in some way in an academic, extracurricular, or residential program of the College ("covered third party") who has allegedly been subjected to conduct in violation of this policy by a student or employee respondent.

Respondent

For purposes of this policy, a respondent is an individual (student, faculty, staff, or third party over whom the College has some form of jurisdiction) who is reported to have violated the College's Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking Policy.

Retaliation

Any attempt by a member of the College community to penalize, intimidate, or retaliate in any way against a person because he or she makes a report or complaint, in good faith, of unwelcome conduct of a sexual nature, sexual harassment, sexual

misconduct, domestic violence, dating violence or stalking, or for cooperating in the investigation of a complaint of such conduct is prohibited. Such retaliation violates this policy and may be unlawful. Retaliation includes, but is not limited to, adverse actions that have a substantial adverse effect on the working or educational environment of any individual involved in the complaint or an investigation that is motivated by such involvement, such as: intimidation; reprisal; ostracism; actions altering the person's assignments, assessment of his or her work, or his/her academic environment; threats; coercion; or otherwise discriminating against any individual for exercising his or her rights or responsibilities under this policy.

Any person who believes that he or she has been subjected to such retaliation should immediately contact the Title IX Coordinator. Any person who takes such retaliatory actions will be subject to disciplinary action.

Sexual Harassment Policy

Sexual harassment is a form of sex discrimination, which is illegal under state and federal law, including Title IX of the Education Amendments of 1972, as amended ("Title IX"). Conduct, whether intentional or unintentional, that results in sexual harassment is prohibited and will not be tolerated. This policy applies to the entire College and to the conduct of students, faculty, administration, and staff alike, as well as any third parties participating in the College's programs or activities, regardless of sexual orientation or gender identification.

Bennington encourages members of the College community and covered third parties to report unwelcome conduct of a sexual nature so that the College may investigate reports appropriately, as outlined in the procedures below. If the College determines a respondent's conduct is sufficiently serious—that is, sufficiently severe or pervasive—to deny or limit a student's ability to participate in or benefit from the College's program based on sex and thereby creates a hostile environment, it will take prompt, appropriate, and effective action to eliminate the hostile environment, prevent its recurrence, and address its effects. In the employment context, the College will take prompt, appropriate, and remedial action if it determines that a sexually hostile environment has been created. The College may also choose to take remedial action in cases where conduct is deemed inappropriate, even if it does not rise to the level of sexual harassment as defined in this policy.

The Definition of Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature, and can include, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, where:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or education; or
- Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting the individual; or
- Such conduct has the purpose or effect of substantially interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive work or educational environment.

Examples of sexual harassment include, but are not limited to the following:

- continuing to ask a student or employee to socialize on or off campus when that person has indicated he or she is not interested;
- displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or should be known that the behavior is unwelcome;
- continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
- referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;
- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
- communicating derogatory or provoking remarks about or relating to a student or employee's sex, sexual orientation, or gender identity;
- directing harassing acts or behavior against a person on the basis of his or her sex, sexual orientation, or gender identity;
- off-campus conduct that falls within the above definition and affects a person's on-campus educational, shared living, or work environment.

Sexual harassment prohibited by this policy may occur regardless of the sex, sexual orientation, or gender identity of any individual involved. Sexual harassment may occur in a setting in which the power inherent in a faculty member's or supervisor's relationship to his or her students or subordinates is exploited. While sexual harassment most often takes place between persons of unequal power and/or status, it can also occur between equals, i.e., student–student, faculty–faculty, or staff–staff.

In determining whether alleged conduct constitutes sexual harassment, those entrusted with carrying out this policy will look at the record as a whole and at the totality of the circumstances, such as the nature of and the context in which the alleged incidents occurred. Bennington College recognizes that the protection of free and open speech and the open exchange of ideas are important to any academic community. This recognition is therefore an important element in the "reasonable person" standard used in judging whether sexual harassment has occurred. This policy is meant neither to proscribe nor to inhibit discussion, in or out of the classroom, of complex, controversial, or sensitive matters, when in the judgment of a reasonable person they arise appropriately and with respect for the dignity of others. Bennington College also recognizes, however, that verbal conduct can be used specifically to intimidate or coerce and to inhibit genuine discourse, free inquiry, and learning. Such abuses are unacceptable. If someone believes that another's speech or writing is offensive, wrong or hurtful, he or she is encouraged to express that judgment in the exercise of his or her own free speech or to seek redress under the noted procedure(s) when appropriate.

Sexual Misconduct Policy

Bennington College prohibits conduct by students, faculty, or staff that affects other students, faculty, staff, or covered third

parties that constitutes sexual misconduct, domestic violence, dating violence, or stalking, as defined below. The College is committed to take action, and may be required to take action, if it learns of potential sexual misconduct, even, in some instances, if the person subjected to such misconduct does not wish to formally file a complaint.

The College encourages individuals who believe they are being or have been subjected to such conduct, and others with knowledge of such conduct, to report the conduct to the College through the procedures described below, and to seek the support of the College and/or external resources identified in this policy. The College also encourages individuals affected by such conduct to seek support from the College and the resources identified here, even if they choose not to pursue a formal complaint with the College.

Definitions

The definitions of sexual assault, domestic violence, dating violence, and stalking used in this policy below are consistent with the Clery Act, as amended effective 2014. In its primary prevention and awareness programs for incoming students and new employees, and its ongoing prevention and awareness programs for students and employees, the Bennington College includes the definitions of sexual assault, the definition of consent in reference to sexual activity, and the definitions of domestic violence, dating violence, and stalking that are used by Vermont criminal laws (Vermont law definitions are included in Appendix A to this report). However, the College utilizes its own definitions of these prohibited behaviors for purposes of this policy that are consistent with the Clery Act, as amended effective 2014, and determines responsibility for violations of College policy through its own procedures and standards of proof (that is, by a preponderance of the evidence standard), not through the procedures or standards of proof employed in the criminal justice system.

• Sexual Misconduct

Sexual misconduct may include sexual assault, sexual exploitation, or both.

◦ Sexual Assault

Sexual assault may be either rape, fondling without consent, incest, or statutory rape, as defined in the Clery Act and below. Rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent (as defined below) of the victim, including instances where the victim is incapable of giving consent because of his/her temporary or permanent mental incapacity. Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law in the applicable jurisdiction. Statutory rape is sexual intercourse with a person who is under the statutory age of consent in the applicable jurisdiction. Sexual assault can be committed by any person against any other person, regardless of gender, gender identity, sexual orientation, or past or current relationship status. Sexual assault may occur with or without physical resistance or violence.

◦ Sexual Exploitation

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

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

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

- **Domestic Violence** is violence committed by a current or former spouse or intimate partner of the person subjected to the violence;

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

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

the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse, if involving individuals who are or have been dating as defined here. Dating violence does not include acts covered under the definition of domestic violence stated above.

- **Stalking** is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - Fear for the person's safety or the safety of others; or
 - Suffer substantial emotional distress.

For the purposes of this definition—

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

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

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

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

- Nonconsensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, text messages, written letters, gifts, or any other communications that are unwelcome.
- Pursuing, following, waiting for, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the person.
- Surveillance or other types of observation including staring or "voyeurism"; gathering information about an individual from friends, family, co-workers; or accessing private information through unauthorized means.
- Threats to harm self or others
- Defamation and/or lying to others about the person, or
- Using a third party or parties to accomplish any of the above.

Consensual relationships

The College strongly discourages consensual romantic and sexual relationships where an imbalance of power, authority, or influence exists between the parties. While relationships with students are not explicitly prohibited in the College's policy, when the College feels that it is unhealthy for a student or disruptive in general, the College will intervene. While the College respects every individual's right to make personal choices, consensual romantic or sexual relationships between faculty and students, between staff and students, and between supervisors and subordinate employees, are fundamentally imbalanced in

nature and raise serious questions regarding conflict of interest. These relationships may be less consensual than perceived by at least one of the parties involved. Individuals who teach, mentor, or supervise exercise power over others, whether in giving them praise or criticism, evaluating them through comments, making recommendations for their further studies or future employment, or conferring any other benefits. Trust and respect are diminished when those in positions of authority abuse this power. It undermines, in fact or by perception, the integrity essential to an effective educational and working environment.

Even when all parties consent at the onset of a romantic or sexual relationship, grounds for a later complaint of sexual harassment, sexual misconduct, or sexual assault may still exist if consent is withdrawn by either party. Individuals who engage in such relationships may risk both disciplinary action by the College and legal liability. Even in cases where no current direct supervisory or instructional relationship exists, individuals should be sensitive to the constant possibility that a conflict of interest may arise if they are placed in a position of responsibility over an individual with whom they have or have had a relationship.

Faculty members should be aware that any sexual relationship with students, and supervisors should be aware that any sexual relationship with subordinate employees, makes them liable for formal disciplinary action if a charge of sexual harassment or sexual misconduct is lodged against them. A sexual relationship between a faculty member and a student occurring during a period of instructional or advising responsibilities carries a presumption of coercion if a charge of sexual harassment or sexual misconduct is lodged against them, or if disciplinary action is otherwise deemed appropriate by the College. Even when a faculty member and student, or supervisor and subordinate employee, have mutually consented at the outset to the development of such a relationship, it is the faculty member or supervisor who, by virtue of his or her special responsibility, will be held accountable.

Note: Consensual romantic and sexual relationships are prohibited between students and employees in Health Services, Student Life, Psychological Services, and Campus Safety, who provide resources and support to individuals who may have experienced sexual harassment or sexual misconduct.

Options for Reporting and Confidential Disclosures

The College encourages individuals who experience an incident of sexual harassment, sexual misconduct, domestic violence, dating violence, or stalking to talk to someone about what happened—so they can get the support they need, and so the College can respond appropriately.

There is no such thing as an "unofficial" complaint of sexual harassment, sexual misconduct, domestic violence, dating violence, or stalking. The College takes all complaints seriously and to that end feels it important, and our legal obligation, to address all such complaints appropriately and as practicable given the circumstances of each case, the complainant's wishes regarding the handling of the complaint, and the College's obligation to maintain a safe campus community.

However, the College also recognizes that individuals who have concerns about sexual harassment, sexual misconduct,

domestic violence, dating violence, or stalking may wish to speak to someone without making a formal complaint, and therefore look for assurances of confidentiality. Different employees on campus have different abilities to maintain a person's confidentiality. Some individuals are required to maintain near complete confidentiality; talking to them is sometimes called a "privileged communication." Other employees may talk to an individual in confidence, and generally only report to the College that an incident occurred without revealing any personally identifying information. Third, some employees (called "Responsible Employees") are required to report all the details of an incident to the Title IX Coordinator.

This policy is intended to make students, faculty, and staff aware of the various reporting and confidential disclosure options available to them—so they can make informed choices about where to turn if they are subjected to conduct that violates this policy. Regardless of whether a victim files a complaint with the College or with local law enforcement, the College will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other available services, both within the College and in the community. Similarly, when a student or employee reports an incident to the College, whether it occurred on or off campus, the College will provide the student or employee with a written explanation of his or her rights and options.

Leniency

Sometimes, individuals are reluctant to come forward to report perceived violations of this policy out of fear that they may be charged with violations of Student Conduct standards (for example, underage drinking at the time of the incident). It is of paramount importance to the College that all perceived violations of this policy be reported, so that those affected can receive the support and resources needed. Therefore, in order to facilitate reporting, the College may choose to not charge students who report violations of this policy with violations of Student Conduct standards.

Interim Accommodations

Regardless of whether a victim of sexual assault decides to report the crime to Campus Security Officers, the Title IX Coordinator, and local law enforcement, the College will take interim measures to promote the safety and general well-being of the parties involved and/or the broader College community, provided the victim requests them and such protective measures are reasonably available. The College will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures, described as follows. These measures will be kept confidential unless maintaining such confidentiality would impair the College's ability to provide accommodations or protective measures. Such interim measures may include one or more of the following or additional accommodations as determined by the College:

- academic accommodations (i.e., alter academic schedules, withdraw from/retake a class without penalty, access academic support such as tutoring);
- change in housing;
- changing in dining facilities;

- change in work schedules;
- issue no contact orders;
- change in transportation and/or working situations.

Confidential Resource | On Campus

Select staff within the Psychological Services and Health Services Offices are not required to report any information about an incident to the Title IX Coordinator without an individual's permission. These individuals are considered to be "confidential resources." This means that in most cases, these confidential resources will not inform anyone of such communications without a complainant's consent, and the College will not endeavor to take any action in response to such communications. These professionals may have the responsibility to disclose otherwise-privileged information appropriately when they perceive an immediate and/or serious threat to any person or property. In addition, medical and mental health professionals are required by law to report any allegation of sexual assault of a person under age 18. Individuals who wish to talk about sexual harassment, sexual misconduct, domestic violence, dating violence, or stalking-related issues confidentially, with the understanding that the College will not take any action based on such confidential communications, are encouraged to contact one of these confidential resources. In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, these confidential resources will not report Clery crimes they learn about through confidential communications for purposes of the College's compilation of campus crime statistics.

If an individual who makes a report insists that his or her name or other identifiable information not be revealed and the College is able to respect that request, the College will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator. Even so, these confidential resources will still assist the individual in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working, transportation, or course schedules accommodations, where requested and reasonably available. An individual who at first requests confidentiality may later decide to file a complaint with the College or report the incident to local law enforcement, and thus have the incident fully investigated. These confidential resources will provide the individual with assistance if the individual wishes to pursue those options.

Contact information for confidential resources:

- Director of Psychological Services
802-440-4451
- All other clinical staff within Psychological Services
802-440-4451
- Director of Health Services
802-440-4426
- All other clinical staff within Health Services
802-440-4426

If you dial x767 (SOS) on campus or 802-447-4250 from any non-campus phone, emergency personnel on campus can arrange for you to speak with the Psychological Services on-call counselor or Health Services on-call clinician.

Partially-Confidential Resources | On Campus

While certain staff may be able to maintain an individual's confidentiality, these individuals have an obligation to provide select details to the College including the nature, date, time, and general location of an incident.

The following are considered to be partially-confidential resources:

- All non-clinical staff within Health Services
- All non-clinical staff within Psychological Services
- Sexual Harassment/Misconduct Process advisors (SHMP advisors), as explained below

Sexual Harassment/Misconduct Process advisors (SHMP advisors) (which include students, faculty, and staff) are appointed by the president or the president's designee. Any member of the Bennington College community who believes that he/she has been subjected to conduct in violation of this policy, or who is responding to such a complaint, may seek the assistance of one of the College's Sexual Harassment/Misconduct Process advisors (SHMP advisors) in any or all of the following respects: (1) The advisor will listen to and discuss the case with the advisee; (2) The advisor will outline for the advisee the possible courses of action open to him or her in those cases under this policy, (3) The advisor may assist the advisee with gathering the necessary documentation to bring a formal complaint or to pursue a complaint through informal resolution or mediation and may accompany the advisee through the College's informal resolution, mediation, and/or formal complaint procedures if the advisee has decided to follow such procedures and wants his or her advisor present.

Note: If a sexual harassment/misconduct process advisor determines that there is a threat to the advisee or to others, the advisor must report the incident/concern to the Title IX Coordinator.

Non-Confidential Resources (also called "Responsible Employees") | On Campus

Most faculty and staff at the College are considered to be "responsible employees." A responsible employee is a College employee who has the authority to address incidents of sexual harassment, sexual violence, domestic violence, dating violence, or stalking and is obligated to report such incidents, or whom an individual could reasonably believe has this authority or duty. **Responsible employees are respectful of a complainant's wishes to the extent appropriate and are discreet, but they are not able to maintain confidentiality.** Responsible employees include all College faculty and staff employees, except as defined above in confidential or partially-confidential resources, and all student employees other than Resident Assistants, who are considered to be responsible employees. General inquiries or questions about the Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking Policy and Procedures do not have to be reported, may remain private, and the College will strive to protect the privacy interests of individuals to the extent it can while maintaining its obligations to uphold relevant policies and regulations and/or to take reasonable steps to promote the safety of members of the College community. Otherwise, once any responsible employee learns of an incident of sexual misconduct, sexual harassment, dating violence, domestic violence, or

stalking, written or unwritten, the responsible employee must immediately notify the Title IX Coordinator of such complaint. The responsible employee must report all relevant details about the incident (such as the name of the complainant and respondent, any witnesses, and other relevant facts, such as the date, time, and specific location of the alleged incident). Such notice to the College generally obligates the College to investigate the incident and take appropriate steps to address the situation. Within the requirements of applicable laws and policy, confidentiality will be observed as practicable.

If a complainant discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College's obligation to provide a safe, nondiscriminatory environment for all individuals, including the complainant. If the College honors the request for confidentiality, a complainant must understand that the College will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator. Although rare, there are times when the College may not be able to honor a victim's request in order to provide a safe, nondiscriminatory environment for all individuals.

The College will protect the confidentiality of individuals allegedly subjected to sexual harassment, sexual misconduct, domestic violence, dating violence, and/or stalking to the extent practicable in light of the need to do investigations and conduct disciplinary proceedings. Campus security authorities who become aware of Clery crimes will report them to the College's Office of Public Safety so that they may be included in the College's compilation of campus crime statistics. The College will not include the names of complainants or other identifying information in publicly available reports that are compiled as required by the Clery Act.

Additional Resources | Off Campus

There are a number of local and national agencies available to provide support to individuals who have experienced sexual harassment, sexual misconduct, dating violence, domestic violence, or stalking. The College can assist an individual with accessing these, and other, resources.

- National Sexual Assault Hotline
800-656-HOPE
- National Domestic Violence Hotline
800-799-7233
- Project Against Violent Encounters (PAVE)
802-442-2111
- Southwestern Vermont Medical Center
802-442-6361
- United Counseling Services (UCS)
802-442-5491

Note that an individual is not obligated to notify or utilize any of these resources.

External Reporting Options

In addition to the off-campus resources noted above, complainants may also seek assistance through other external organizations. Making a complaint pursuant to the College's Sexual Harassment, Sexual Misconduct, Domestic Violence,

Dating Violence, and Stalking Policy does not foreclose either civil or criminal legal action by the complainant, and a complainant who wishes to consider pursuing such action should seek legal advice. A complainant may simultaneously pursue a criminal complaint and a complaint under these procedures.

A complainant may also file a complaint by writing or calling the following state or federal agencies, as applicable:

- Bennington Police, 118 South Street, Bennington, VT, 05201, phone: 802-442-1030
- Vermont Attorney General's Office, Civil Rights Unit, 109 State Street, Montpelier, VT 05602, phone: 802-828-3171 (voice/TDD).
- Equal Employment Opportunity Commission, 1 Congress Street, Boston, MA 02114, phone: 617-565-3200 (voice), 617-565-3204 (TDD).
- Vermont Human Rights Commission, 133 State Street, Montpelier, VT 05633-6301, phone: 802-828-2480 (voice/TDD).
- Office for Civil Rights (OCR), U.S. Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109, phone: 617-289-0111 (voice), 800-877-8339 (TDD).

These agencies can conduct impartial investigations, facilitate conciliation, and, if it is found that there is probable cause or reasonable grounds to believe sexual misconduct or harassment occurred, they may file a charge or a complaint. The Office of the Dean of Students, the Title IX Coordinator, or the Office of Campus Safety will offer to, and will upon request, assist students or employees in contacting law enforcement agencies. This action may be taken regardless of whether an individual chooses to file a complaint with the College. For his or her own part, a complainant may choose to notify such agencies with or without assistance from the College, or may choose not to notify such authorities.

Individuals who are being or who may have been subjected to domestic violence, dating violence, or stalking may have the right to obtain orders of protection, restraining orders and/or relief from abuse orders from Vermont courts. The College will support complainants if they wish to have the College's assistance in making contact with law enforcement authorities and other external resources to seek such orders. The College will respect such orders to the extent applicable. In addition, the College can also impose no-contact conditions on students, employees, and third parties over which it has some measure of control. The College will inform complainants of their options in this regard.

Medical Care

Whether or not a person decides to pursue criminal charges or a complaint at the College, individuals are encouraged to immediately seek any necessary medical care after an incident of sexual misconduct, domestic violence, or dating violence, and to seek help from appropriate law enforcement, medical, or College personnel.

Preservation of Evidence

Even if a person is unsure initially whether she or he will want to pursue criminal charges or seek a protection order, it is important to preserve all possible evidence in case an individual later decides to do so. Therefore, a person should refrain from changing clothes, showering, or otherwise changing his or her

physical state after an incident, until after he or she has consulted with medical personnel about how to best preserve evidence. Any such individual should also consult with College officials, law enforcement officers, or health care professionals regarding his or her ability to have evidence collected by a Sexual Assault Nurse Examiner ("SANE"). Individuals should also endeavor to preserve other evidence that may be relevant to a case of sexual harassment, sexual misconduct, domestic violence, or dating violence, or stalking, such as text messages, email messages, other electronically stored information, and other physical evidence. Anyone with questions about how to do this should consult with College officials.

College Procedures for Reviewing/Handling Complaints

Any member of the Bennington College community or covered third party who believes that he or she has been subjected to sexual harassment, sexual misconduct, domestic violence, dating violence, or stalking by any member(s) of the Bennington College community may, depending on the nature of the alleged misconduct, make use of some or all of these three options:

(1) **informal resolution**, (2) **mediation**, or (3) **administrative investigation**. Whichever option(s) the complainant utilizes, Bennington College endeavors to ensure the complainant and respondent are treated in an unbiased manner with dignity, respect, and sensitivity. A complainant may use all three options (subject to limitations noted below), or may bypass the first two options and proceed directly to an administrative investigation. Even where the College does not appear to have a measure of control over a third party who is believed to have engaged in or who is believed to be engaging in such behavior, the College encourages reporting so that the College can at least refer the complainant to supportive resources.

The complaint process begins by the complainant or other reporting person's making a written or oral complaint with the Title IX coordinator. As explained below, while an initial complaint need not be in writing, a written complaint will have to be submitted if the complainant wishes to have an administrative investigation conducted. The complaint may be written by the complainant, or dictated to a College official and approved by the complainant. For cases involving complaints against the president, the complainant must file a request with the Provost and Dean of the College, who will transmit the request to the Board of Trustees. The board will proceed from that point in a manner to be determined in its sole discretion.

There is no time limit for the filing complaints. However, prolonged delays in reporting may limit the College's ability to conduct a full and fair investigation. Every effort will be made to investigate and resolve complaints of sexual harassment, sexual misconduct, domestic violence, dating violence, or stalking within a reasonable period of time, which will not exceed sixty (60) calendar days except in extraordinary circumstances, in which event the complainant and the person charged will be notified of the reason and expected duration of the delay.

The College may take any interim emergency measures it deems fit pending the resolution of a complaint, including such measures as are necessary to protect the complainant, the respondent, or third parties.

A person should contact the Title IX Coordinator if:

- a) as a visitor to the College (e.g., a guest of another student a prospective student, or an alumnus or alumna), he or she believes that he or she has been subjected to conduct in violation of this policy by a member or former member of the College community; or,
- b) as a member or former member of the College community he or she believes that, while a member of the College community, he or she has been subjected to conduct in violation of this policy by a vendor, contractor, visitor, or other third party.

The College will investigate and respond as appropriate and practicable, given the nature of its relationship to the parties. In some cases (such as, for example, cases in which a student, employee, or covered third party involved in an alleged incident of sexual harassment, sexual misconduct, domestic violence, dating violence, or stalking does not wish to participate in the process but the College decides that the alleged misconduct needs to be investigated and addressed), the College may move forward with an investigation and/or related disciplinary proceedings. In such cases, the College may extend the full rights of a complainant as defined in this policy to affected parties as deemed appropriate by the College.

Sanctions

Sanctions for violations of this policy may include one or more of the following:

- Expulsion
- Suspension
- Written Reprimand or Warning
- Verbal Reprimand or Warning
- Separation from employment
- Disciplinary Probation
- Employee or Faculty Probation
- Nonrenewal of contract
- Revocation of honors, awards, or degrees
- Restricted access to College facilities or activities, including student organizations or athletic or intramural participation
- Community Service
- Issuance of a “No Trespass” or “No Contact” Order
- Removal from student housing

In addition, the College may determine that additional remedies are warranted, such as education or training for some or all members of the College community. Although sanctions for violation(s) of this policy can include any form of discipline as stated above, students found to have engaged in sexual, sexual violence, or other forms of serious violence will most likely receive a sanction of suspension or expulsion.

Option 1 | Informal Resolution

- A. Any member of the Bennington College community or covered third party who believes that he or she has been subjected to conduct in violation of this policy by any member(s) of the Bennington College community may pursue a complaint through informal resolution, except that **informal resolution will not be used to resolve complaints of sexual violence.**

- B. Complaints may be written or oral. Once a complaint is made, the Title IX Coordinator will appoint an investigator to investigate the complaint, and, in consultation with the investigator, will determine whether continuing with the informal resolution procedure is appropriate. If the Title IX Coordinator determines that continuing with informal resolution is not appropriate, he or she will notify the complainant in writing. If the complainant wishes to pursue the complaint, he or she may request to proceed with mediation or administrative investigation and review as outlined below. If the Title IX Coordinator decides that continuing with informal resolution is appropriate, then the complainant and the Title IX Coordinator may agree to adopt one of the following courses of action, to be completed within 10 working days of that agreement:

1. The Title IX Coordinator will attempt an informal resolution of the complaint directly and privately with the respondent.
2. The Title IX Coordinator and the complainant will seek an informal resolution of the complaint by meeting together with the respondent.
3. The Title IX Coordinator will appoint someone from the College community who will seek to resolve the complaint informally. This person will meet with both parties, either separately or together.

- C. Each party may be accompanied by an advisor of his or her choice in any stage of this informal procedure. Such persons may, but need not be, chosen from among the College’s Sexual Harassment/Misconduct Process advisors (SHMP advisors).
- D. A complaint pursued through informal resolution will be considered to have been resolved when both parties have signed a statement indicating their acceptance of the outcome of the process, and the Title IX Coordinator (or appointee who has directed the procedure) has also approved and signed the statement. A complaint that has been resolved through informal resolution may not be filed as a formal complaint.
- E. If a complaint cannot be resolved through informal resolution, or if the Title IX Coordinator determines at any point that the case is not appropriate for informal resolution, the Title IX Coordinator will refer the case to mediation or administrative investigation and review as described below.

Option 2 | Mediation

- A. Any member of the Bennington College community or covered third party who believes that he or she has been subjected by any other member(s) of the Bennington College community to conduct in violation of this policy may pursue a complaint through a mediation procedure. Mediation is generally defined as intervention between parties to promote reconciliation, settlement, or compromise. Mediation is different from the “Informal Resolution” procedure outlined above because a neutral, independent, third party (i.e., someone other than the Title IX coordinator) will meet with the complainant and respondent, either separately or together, in order to understand the parties’ respective positions, and then attempt to help the parties come to

a mutual understanding. **Mediation will not be used to resolve complaints of sexual violence.**

- B. A complaint may be written or oral. Once a complaint is made, the Title IX Coordinator will appoint an investigator to investigate the complaint, and, in consultation with the investigator, will determine whether there are grounds for continuing with the mediation procedure. If the Title IX Coordinator determines that mediation is not appropriate, he or she will notify the complainant in writing. If the complainant wishes to pursue the complaint, he or she may request to proceed with administrative investigation and review as outlined below. If the Title IX Coordinator decides that mediation is appropriate, then the Title IX Coordinator will appoint a mediator who will seek to resolve the complaint using mediation. This person will meet with both parties, either separately or together. Both parties must consent in order for the mediator to meet with both parties together.
- C. Each party may be accompanied by an advisor of his or her choice any stage of this mediation procedure. Such persons may, but need not be, chosen from among the College's Sexual Harassment/Misconduct Process Advisors (SHMP Advisors).
- D. A complaint pursued through mediation will be considered to have been resolved when both parties have signed a statement indicating their acceptance of the outcome of the mediation procedure, and the Title IX Coordinator (or appointee who has directed the procedure) has also approved and signed the statement. A complaint that has been resolved through mediation may not be pursued through administrative investigation.
- E. If the complaint cannot be resolved through mediation, or if the Title IX Coordinator determines that the case is not appropriate for mediation, the Title IX Coordinator will refer the case to administrative investigation and review as described below.

Option 3 | Administrative Investigation and Review

Any member of the Bennington College community or covered third-party who believes that he or she has been subjected to conduct in violation of this policy by any other member(s) of the Bennington College community or covered third parties may pursue a complaint through an administrative investigation. All proceedings will include a prompt, fair, and impartial process from the initial investigation to the final result. The investigation and decision-making process are conducted by officials who, at a minimum, receive annual training on issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

Throughout the process, the College will provide the complainant and the respondent with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. While the College will not limit the choice of advisor or presence for either the complainant or the respondent in any meeting or institutional disciplinary proceeding, the College has established restrictions

regarding the extent to which the advisor may participate in the proceedings, as described below.

A written complaint must be filed with the Title IX Coordinator in order to initiate an administrative investigation. This could be prepared in writing by the complainant, or dictated by the complainant to the Deputy Title IX Coordinator, Director of Campus Safety, or the Title IX Coordinator and approved by the complainant. Once a written complaint is filed, the Title IX Coordinator will appoint an investigator to investigate the charges. The Title IX Coordinator, in consultation with the investigator, will determine whether there is sufficient evidence to determine whether a violation has or has not occurred. If it is determined that there is sufficient basis to pursue an investigation, the College will handle the case in the manner described below. Otherwise the Title IX Coordinator will issue a notice of dismissal.

A complaint may also be filed (to be handled through the administrative investigation procedure) by the dean of the College, the associate dean of the College, or the vice president for Finance and Administration, if it has come to such person's attention that a member of the Bennington College community may have been subjected to conduct in violation of this policy by any other member of the College community or a covered third party.

In all cases, the final decision of whether to conduct an administrative investigation rests with the Title IX Coordinator. The issuance of a notice of dismissal cannot be appealed. The complainant is free at any time to pursue civil or criminal action against the respondent.

Where there is sufficient basis to pursue an investigation, both parties will receive written notice that an investigation is being conducted. The written notice will include a copy of this policy. The complainant and respondent will be afforded the same rights throughout this investigation.

A "No Contact Order" is normally issued to restrict contact and communication between a complainant and respondent for the duration of the investigation. No contact orders are not disciplinary in nature (though violation of them could result in College discipline). This is in addition to other measures that may be taken as previously outlined, such as changing the living accommodations for one of the parties.

The investigator will conduct a thorough fact-finding investigation (which will conclude with a final report to be reviewed by the Title IX Coordinator to make a determination whether any alleged violation of this policy occurred). The investigation will include meetings with the complainant and the respondent separately, as well as any witnesses to the events that are the basis of the complaint. The investigator may also collect and examine any physical evidence or documents, emails, text messages, etc. that may be relevant to the events in question. At any time during the investigation, the complainant and respondent may provide written statements or other supporting materials that may be helpful to the investigator.

The complainant and respondent are entitled to be accompanied by a support person of their choice whenever meeting with the investigator. Such persons may, but need not be, chosen from among the Sexual Harassment Misconduct advisors (SHM advisors). Advisors can confer privately with their advisee, but cannot act as advocates or address the investigator. At no point will the complainant be forced to be in contact or

in the same room as the respondent. The parties will be given periodic status updates throughout the investigation.

Should a respondent who has been notified of an investigation/adjudication fail to cooperate with the investigator, the investigation may proceed, a finding may be reached, and a sanction may be imposed based on the information available.

The complainant may request that the investigation be stopped at any time. Bennington College, in coordination with the Title IX coordinator and the investigator will determine whether the investigation can be terminated, or whether, due to countervailing concerns of campus safety, it is unable to honor the complainant's request to terminate the investigation.

At the conclusion of the investigation, before the investigator's report is finalized, the complainant and respondent will be given the opportunity to review their own statement and, to the extent appropriate, may also be provided with a summary of other information collected during the investigation. The complainant and respondent will then have five calendar days to submit any comments about their own statements, or on any investigation summary that might be provided.

Making a determination

The investigator will submit a final report to the Title IX Coordinator. The final report will include the investigator's recommended finding of whether the policy or policies under investigation have been violated, the investigator's rationale, and investigation materials, including both parties' written responses and supporting materials, if submitted. The investigator's recommendation will be based on the preponderance of evidence standard, i.e., whether it is more likely than not that the policy was violated.

After careful review of the full report, the Title IX Coordinator is responsible for making the determination of whether any Bennington policy under investigation has been violated. The Title IX Coordinator's determination will also be based on a preponderance of the evidence standard, i.e., whether it is more likely than not that the policy was violated. The Title IX Coordinator is not bound by the investigator's report (rather, it serves to advise) and may accept or reject the investigator's recommended finding in whole or in part, and may request additional relevant information before making a determination. The Title IX Coordinator may consult with the investigator, the Deputy Title IX Coordinator, and/or other persons at the discretion of the Title IX Coordinator.

Either party may choose to meet individually with the Title IX Coordinator prior to the Title IX Coordinator's determination. The Title IX Coordinator may also request an individual meeting with either party or any other person(s) as appropriate. This meeting is intended to provide each party with an opportunity to make a brief statement. This meeting is not intended to serve as a hearing or a cross-examination, although the Title IX Coordinator may ask questions as needed.

If the Title IX Coordinator does not find that a violation of this policy has occurred, he/she will so inform the parties, simultaneously and in writing. The parties will receive simultaneous written notification of:

- the result of any College disciplinary proceeding that arises from an allegation of dating violence, sexual assault, or stalking;
- the College's procedures for the accused and the victim to

appeal the result of the institutional disciplinary proceeding, as described below;

- any change to the result; and
- when such results become final. In such cases, the complainant may appeal the decision within five working days to the dean of the College on the grounds, and pursuant to the procedures, set forth below.

If the Title IX Coordinator finds that a violation of this policy has occurred, a written notification recommendation is sent to the associate dean of the College. This notification includes recommended sanctions (if any).

In those cases in which the Title IX Coordinator recommends that disciplinary action against a student should be imposed, it may recommend an appropriate sanction, up to and including expulsion from the College. This recommendation will be made to the associate dean of the College, or his or her designee, who will decide the case and may implement, modify, increase, or suspend the recommended sanctions. The associate dean of the College (or designee) will send the complainant and the respondent simultaneous written notice of the outcome of the complaint, the option to appeal, and the Title IX Coordinator's letter of finding and recommendation.

a. **If either the complainant or the respondent are faculty or staff employees** the Title IX Coordinator will schedule the case for administrative review following receipt of the investigator's report. An administrative review of the case will be conducted by the dean of the college (for cases involving faculty) and conducted by the director of Human Resources (for cases involving staff) to determine the appropriate sanction.

Where formal disciplinary action is to be taken against a faculty or staff member, appropriate sanctions may range from a verbal warning up to and including discharge from employment. The complainant and the respondent will receive simultaneous written notice of the outcome of the complaint and the option to appeal. The faculty or staff employee may appeal the decision of the dean of the College or vice president for Finance and Administration within five working days to the dean of the College.

The complainant or the respondent may appeal the decision within five working days to the president (in the case of faculty members) or to the dean of the College (in the case of staff employees) on the grounds, and pursuant to the procedures, set forth in the Appeals section below.

Appeals

Either the complainant or the respondent may appeal the determination of a case and/or the sanctions. The right to appeal is contingent upon participation in the administrative investigation process. Appeals by students must be filed with the **dean of the College** within 5 working days of the case determination. Appeals by faculty must be filed with the **president** within 5 working days of the case determination. Appeals by staff employees must be filed with the **vice president for finance and administration** within 5 working days of the case determination.

The president or dean of the College will determine, in his or her sole discretion, the format of appeals. The president or dean of the College may implement, modify, increase, or suspend the sanctions recommended or imposed and will send his or her appeal decision letter to the appellant. A notice of the appeal decision letter will also be sent simultaneously to the complainant and to the individual who conducted the administrative review. The decision of the president or dean of the College is final in all cases.

Appeals may be based only upon the following:

- a. Newly discovered evidence that could not have been discovered at the time of the hearing and would have had a significant effect on the outcome;
- b. A violation of the procedures under this Policy that had a significant effect on the outcome; or
- c. An appeal of the sanction(s) imposed.

MISSING STUDENT NOTIFICATION POLICY

Any individual who believes that a currently enrolled student who resides on campus has been missing for more than 24 hours should immediately report this to Campus Safety by dialing x767 (SOS). Following receipt of this information, Campus Safety will investigate the report, contact the Dean's Office, and determine

whether the student is missing and has been missing for more than 24 hours.

If Campus Safety makes a determination that the student is missing and has been missing for more than 24 hours, then within 24 hours after making such a determination:

1. Campus Safety will inform the appropriate law enforcement agency.
2. The dean of students or designee will inform the person shown by the College's records to have been designated by the student as the student's contact in case of a missing person report with respect to that student.

If the missing student is under the age of 18 and not an emancipated individual, the College will contact the student's parent or legal guardian immediately after the determination by Campus Safety.

Note: Each term it is required that each student acknowledge and/or update the missing person contact information to designate a person to be contacted in the event of a missing person determination. Information regarding such contact persons will be registered confidentially; it will be accessible only to authorized campus officials, and it will not be disclosed except to law enforcement personnel in furtherance of a missing person investigation.

Important Telephone Numbers

CAMPUS SAFETY

Emergencies	767(from on campus), 802-447-4250 (from off campus)
Business Line	802-442-4250
Fax.....	802-440-4149
Psychological Services	802-440-4451
Office of Student Life.....	802-440-4330
Student Health Services	802-440-4426

OFF-CAMPUS RESOURCES

Alcoholics Anonymous Meetings	802-447-1285
Al Anon	802-447-1285
United Counseling Services	802-442-5491 (24 hours)
Project Against Violent Encounters (PAVE)	802-442-2111 (24 hours)
State Attorney's Victim Advocate.....	802-442-8116
Southwestern Vermont Medical Center	802-442-6361 (24-hour emergency room)
Bennington Police (emergency).....	9-1-1
Bennington Police (business)	802-442-1030
118 South St., Bennington.....	www.benningtonpolice.com
Bennington County Sheriff (emergency).....	9-1-1
Bennington County Sheriff (business).....	802-442-4900
212 Lincoln St., Bennington	www.benningtonsheriff.org
Vermont State Police, Shaftsbury Station.....	802-442-5421

THE JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIMES STATISTICS ACT (formerly the Campus Security Act)

CATEGORY	VENUE	2012	2013	2014
Criminal Homicide: Murder and Non- Negligent Manslaughter	Total on campus	0	0	0
	Number in residential facilities	0	0	0
	Number in non-residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Negligent Manslaughter	Total on campus	0	0	0
	Number in residential facilities	0	0	0
	Number in non-residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Sex Offenses Forcible	Total on campus	3	3	1
	Number in residential facilities	2	3	1
	Number in non-residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Sex Offenses Non-forcible	Total on campus	0	0	1
	Number in residential facilities	0	0	0
	Number in non-residential facilities	0	0	1
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Robbery	Total on campus	0	0	0
	Number in residential facilities	0	0	0
	Number in non-residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Aggravated Assault	Total on campus	0	0	0
	Number in residential facilities	0	0	0
	Number in non-residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Burglary	Total on campus	0	1	6
	Number in residential facilities	0	1	3
	Number in non-residential facilities	0	0	3
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Arson	Total on campus	0	0	0
	Number in residential facilities	0	0	0
	Number in non-residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Fires on campus	Total on campus	2	1	1
	Student housing facilities	2	1	1

CATEGORY	VENUE	2012	2013	2014
Motor Vehicle Theft	Total on campus	1	0	0
	Number in residential facilities	0	0	0
	Number in non-residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Arrests for: Liquor Law Violations	Total on campus	0	0	0
	Number in residential facilities	0	0	0
	Number in non-residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Arrests for: Drug Law Violations	Total on campus	0	0	0
	Number in residential facilities	0	0	0
	Number in non-residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Arrests for: Weapons Law Violations	Total on campus	0	0	0
	Number in residential facilities	0	0	0
	Number in non-residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Disciplinary Referrals: Liquor Law Violations	Total on campus	104	128	125
	Number in residential facilities	101	103	124
	Number in non-residential facilities	0	0	1
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Disciplinary Referrals: Drug Law Violations	Total on campus	16	4	3
	Number in residential facilities	15	3	3
	Number in non-residential facilities	1	1	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Disciplinary Referrals: Weapon Law Violations	Total on campus	1	0	3
	Number in residential facilities	1	0	2
	Number in non-residential facilities	0	0	1
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
Hate Crimes	Total on campus	0	0	0
	Number in residential facilities	0	0	0
	Number in non-residential facilities	0	0	0
	In or on a non-campus building or property	0	0	0
	On public property	0	0	0
	National origin	0	0	0
	Gender identity	0	0	0
Violence	Total on campus	0	0	0
	Domestic violence	0	0	0
	Dating violence	0	0	0
	Stalking	0	0	1

Bennington College Annual Fire Safety Report

On August 14, 2008, the Higher Education Opportunity Act (HEOA) was signed into law. The HEOA requires institutions maintaining on-campus student housing facilities to publish annual fire safety reports containing information about campus fire safety practices and standards. Bennington College is committed to fire and life safety. The Bennington College director of Campus Safety and the Campus Safety department work to ensure fire safety for students, faculty, staff, and visitors. Bennington College works closely with the local municipal fire departments (North Bennington and Bennington Fire Department) and the Vermont Division of Fire Safety to meet or exceed applicable local and state code requirements in Bennington College buildings. All on-campus residence halls are equipped with automatic fire sprinkler systems and automatic fire and carbon monoxide alarm systems that notify occupants and initiate a Campus Safety or local fire department response, and portable fire extinguishers for use by trained persons. Cooking equipment, including kitchens designated for student use, are protected by automatic fire heat detection devices. All fire protection systems are inspected regularly by Bennington College staff and qualified contractors.

The Higher Education Opportunity Act also requires inclusion in this report of any student housing facility that “is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus.” Fire statistics for these properties are included on the following pages.

Fire Safety Programs: The office of Campus Safety conducts annual fire safety programs including but not limited to the following:

- **Fire extinguishers:** Student House Chairs are instructed and provided the opportunity to learn and practice the use of a fire extinguisher.
- **Fire Drills:** Announced and unannounced fire drills are held once per term. The community is required to cooperate by clearing the buildings as soon as possible. Failure to evacuate during a fire alarm, whether a drill or not, is a violation of College policy. If there is a fire in a College house, students should meet their House Chairs in Commons Lounge immediately. The House Chairs, working with the Student Life staff and Campus Safety, will help account for students and provide further information.

In the event of fire:

1. Pull the red FIRE ALARM box in the building. Everyone should become familiar with the location of these FIRE ALARM boxes.

2. Evacuate the building and proceed to Commons Lounge.
3. Call Campus Safety immediately at x767 (SOS).
4. Campus Safety will respond, check the building, and, if appropriate, contact the local fire department.

Fire Safety Room Inspections: Each term the Office of Campus Safety department, along with member of Student Life, conduct fire safety room inspections. The inspections include all fire safety-related educational information, including smoke and carbon monoxide detectors, automated fire sprinklers, fire safety map and egress, flammable materials, and electrical component and wiring safety.

Fire and Life Safety Policies

The following are violations of Fire and Life Safety Policies:

1. **Setting fire.** This includes intentional or accidental fires, even those caused by cooking, fireplace use, or smoking anywhere inside a building.
2. **Setting off fire alarms.** This includes intentional or accidental fire alarms.
3. **Failing to evacuate.** When a fire alarm sounds, all occupants must evacuate the building promptly.
4. **Tampering with or misusing fire protection or other life safety equipment.** This includes but is not limited to: fire extinguishers, FIRE ALARM boxes, fire hoses, emergency exit lights, fire doors and related closures, alarms, sprinkler heads, and smoke, carbon monoxide, and heat detectors.
5. **Possessing and/or using flammable materials.** This includes but is not limited to: gasoline, lamp oil, camp-stove fuel, fireworks, all types of holiday lights, paint thinners, candles, and incense. This does not include scented oil infusers.
6. **Tampering with wiring.** This includes but is not limited to: electrical equipment, cable TV, computer wiring, or overloading electrical outlets. Only UL approved, surge-protected extension cords are allowed.
7. **Causing or contributing to a fire safety hazard.** This includes but is not limited to: obstructing exits, stairwells, hallways (bicycles are not allowed inside buildings), or passageways; storing an excessive amount of waste paper or other waste; having halogen lamps or heat lamps; having ceiling hangings (they may spread fire and smoke more rapidly); covering more than 50% of the wall space in an assigned room; or having an excessive number of personal belongings in any College space. Common areas of student houses may have approved personal belongings, such as musical instruments and related equipment.

Fire Statistics for Bennington College Student Housing Calendar Year 2012

LOCATION	FIRES	CAUSE	DEATHS	INJURIES	DAMAGE	FIRE DRILLS
Bingham	0		0	0		2
Booth	0		0	0		2
Canfield	0		0	0		2
Dewey	0		0	0		2
Fels	0		0	0		2
Franklin	0		0	0		2
Kilpatrick	1	Paper fire in bedroom Description: unknown individual ignited paper towel	0	0	\$0.00–\$99.00	2
Leigh	0		0	0		2
Longmeadow	1	Grease fire while cooking Description: student cooking spilled grease on stove	0	0	\$0.00–\$99.00	2
McCullough	0		0	0		2
Merck	0		0	0		2
Noyes	0		0	0		2
Paris-Borden	0		0	0		2
Perkins	0		0	0		2
Sawtell	0		0	0		2
Shingle	0		0	0		2
Stokes	0		0	0		2
Swan	0		0	0		2
Welling	0		0	0		2
Welling Town House	0		0	0		2
Woolley	0		0	0		2

Fire Statistics for Bennington College Student Housing Calendar Year 2013

LOCATION	FIRES	CAUSE	DEATHS	INJURIES	DAMAGE	FIRE DRILLS
Bingham	0		0	0		2
Booth	0		0	0		2
Canfield	0		0	0		2
Dewey	0		0	0		2
Fels	0		0	0		2
Franklin	0		0	0		2
Kilpatrick	0		0	0		2
Leigh	0		0	0		2
Longmeadow	0		0	0		2
McCullough	0		0	0		2
Merck	0		0	0		2
Noyes	0		0	0		2
Paris-Borden	0		0	0		2
Perkins	1	Microwave oven fire while cooking Description: student set microwave to 30 minutes	0	0	\$100–\$200	2
Sawtell	0		0	0		2
Shingle	0		0	0		2
Stokes	0		0	0		2
Swan	0		0	0		2
Welling	0		0	0		2
Welling Town House	0		0	0		2
Woolley	0		0	0		2

Fire Statistics for Bennington College Student Housing Calendar Year 2014

LOCATION	FIRES	CAUSE	DEATHS	INJURIES	DAMAGE	FIRE DRILLS
Bingham	0		0	0		2
Booth	0		0	0		2
Canfield	0		0	0		2
Dewey	0		0	0		2
Fels	0		0	0		2
Franklin	0		0	0		2
Kilpatrick	0		0	0		2
Leigh	0		0	0		2
Longmeadow	0		0	0		2
McCullough	0		0	0		2
Merck	0		0	0		2
Noyes	0		0	0		2
Paris-Borden	0		0	0		2
Perkins	0		0	0		2
Sawtell	0		0	0		2
Shingle	0		0	0		2
Stokes	1	A cigarette butt started a small fire on the ironing board in the Stokes kitchen area. The smoke from the fire activated the fire alarm and the officer on duty extinguished the fire using water from the near by sink	0	0	\$0.00–\$99.00	2
Swan	0		0	0		2
Welling	0		0	0		2
Welling Town House	0		0	0		2
Woolley	0		0	0		2

Appendix A

Vermont Definitions for the Crimes of Dating Violence, Domestic Violence, Sexual Assault and Stalking

Consent: “words or actions by a person indicating a voluntary agreement to engage in a sexual act.”

Sexual Assault: Sexual assault is engaging in a sexual act with another person and compelling the other person to participate in a sexual act:

1. without the other person’s consent; or
2. by threatening or coercing the other person; or
3. by placing the other person in fear of imminent bodily injury.

No person shall engage in a sexual act with another person and substantially impair the ability of the other person by administering or employing drugs or intoxicants without the knowledge of or against the will of the other person.

A “sexual act” means conduct between persons consisting of contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the vulva, or any intrusion, however slight, by any part of a person’s body or object into the genital or anal opening of another.

Domestic Violence: Domestic assault is attempting to cause or to willfully or recklessly cause bodily injury to a family or household member or to willfully cause a family or household member to fear imminent serious bodily injury. “Household members” are those persons who, for any period of time, are living or have lived together, are sharing or have shared occupancy of a dwelling, are engaged in or have engaged in a sexual relationship, or minors or adults who are dating or have dated.

Dating Violence: Domestic assault includes attempting to cause or to willfully or recklessly cause bodily injury to a person one is dating or has dated or to willfully cause such person to fear imminent serious bodily injury. “Dating” is defined as a social relationship of a romantic nature. Factors to consider in determining whether a dating relationship exists or existed, include:

- a. the nature of the relationship;
- b. the length of time the relationship has existed;
- c. the frequency of the interaction between the parties; and
- d. the length of time since the relationship ended, if applicable.

Stalking: “Stalking” means engaging in a course of conduct that consists of following, lying in wait for, or harassing a person, when such conduct:

- a. serves no legitimate purpose; and
- b. would cause a reasonable person to fear for his or her physical safety or health, or would cause a reasonable person to suffer emotional distress.

“Following” means maintaining, over time, a visual or physical proximity to another person such that this other reasonable person would fear unlawful sexual conduct, unlawful restraint, bodily injury, or death.

“Harassing” means actions directed at a specific person, or a member of the person’s family, which would cause a reasonable person to fear unlawful sexual conduct, unlawful restraint, bodily injury, or death, including but not limited to verbal threats, written, telephonic, or other electronically communicated threats, vandalism, or physical contact without consent.

“Lying in wait” means hiding or being concealed for the purpose of attacking or harming another person.