

**OFFICE OF THE CHANCELLOR**

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**VERMONT STATE COLLEGES**

CASTLETON STATE COLLEGE

COMMUNITY COLLEGE OF VERMONT

JOHNSON STATE COLLEGE

LYNDON STATE COLLEGE

VERMONT TECHNICAL COLLEGE

October 15, 2014

TO: Education, Personnel and Student Life Committee

Kraig Hannum, Chair

Jim Masland, Vice-Chair

Lynn Dickinson

Michelle Fairbrother

Karen Luneau

Gary Moore

Alyssa Slaimen

Martha O'Connor, *ex officio*

FROM: Tim Donovan



RE: EPSL Meeting on October 22, 2014

The EPSL Committee of the VSC Board of Trustees will meet on Wednesday, October 22<sup>nd</sup> from 5-7 p.m. in conference room 101 of the Office of the Chancellor, 575 Stone Cutters Way, Montpelier. The full EPSL agenda and materials are attached.

I can be reached at (802) 224-3001 if you have any questions.

Thank you.

cc: VSC Board of Trustees  
Council of Presidents  
Academic Deans  
Student Affairs Council

**VERMONT STATE COLLEGES BOARD OF TRUSTEES  
EDUCATION, PERSONNEL AND STUDENT LIFE COMMITTEE MEETING**

**October 22, 2014                      5:00 p.m.  
Office of the Chancellor, Montpelier, VT**

**AGENDA**

A.     ITEMS FOR INFORMATION AND DISCUSSION

1.     Overview of the Federal Laws, Regulations and Guidance Regarding Sexual Violence on Campus
2.     Suggested Calendar of EPSL Committee Discussion Items

B.     ITEMS FOR DISCUSSION AND ACTION

1.     Approval of the Minutes of the May 22, 2014 Meeting
2.     Nomination of Faculty for Emeritus Status

A. ITEMS FOR INFORMATION AND DISCUSSION

1. Overview of the Federal Laws, Regulations and Guidance Regarding Sexual Violence on Campus

The Committee will receive an overview of information regarding the current laws, regulations, and guidance regarding sexual violence on campus including Title IX, the Clery Act, the Violence Against Women Act, and the VSC's policies 311 and 311A. Background materials on the topic follow. Presentations will include:

- Associate General Counsel Sophie Zdatny will provide an overview of federal law and regulations on sexual violence on college campuses and the Chancellor's Procedures for implementing Policy 311-A;
- Amy Miller-Bremel, Castleton's CHANGE Initiative Coordinator, will present on awareness and prevention efforts at Castleton; and
- Dave Bergh, Johnson State College Dean of Students, will present on programs at Johnson (including alcohol and substance abuse) and the residence life perspective.

## Overview of the Federal Laws, Regulations and Guidance Regarding Sexual Violence on Campus

**What is Title IX?** Title IX is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally-funded education program or activity (*e.g.* athletics, admissions). It applies to institutions of higher education, as well as to K-12 schools, and is enforced primarily by the Office of Civil Rights (OCR) within the U.S. Department of Education (“DOE”). Under Title IX, colleges must respond promptly to complaints of sexual harassment and sexual violence in a way that limits its effects and prevents its recurrence. Title IX protects both students and employees.

**What is Clery?** The Clery Act requires colleges and universities that participate in federal financial aid to report statistics annually on crimes, including sexual assault and rape, occurring on or near campus, issue timely warnings, and publish policies and other security information. The Clery Act applies only to institutions of higher education and is enforced primarily by the Federal Student Aid office within the DOE.

**What is VAWA?** In March 2013, the Violence Against Women Reauthorization Act was signed into law. Section 304 of VAWA, often referred to as the Campus Sexual Violence Elimination Act (or **Campus SaVE Act**) provision, imposed new reporting requirements, new student discipline requirements, and new requirements to educate and train students and employees on sexual violence.

This was accomplished by amending the Clery Act to require colleges and universities to: (1) report dating violence, domestic violence and stalking (in addition to sexual assault); (2) add gender identity and national origin to the categories of bias for hate crime reporting; (3) implement and publicize procedures for addressing reports of domestic violence, dating violence, sexual assault, and stalking; and (4) develop educational programs for students and employees on preventing and responding to such incidents. Final regulations on implementing the amendments are expected to be published around November 1, 2014 and to go into effect around July 2015.

**What is the DCL?** In April 2011, OCR issued a “Dear Colleague” letter on Title IX and sexual violence. In April 2014, DCL issued more detailed guidance in its “Questions and Answers on Title IX and Sexual Violence.” The DOE has determined that both are “significant guidance documents,” which means they are not law but they are statements of OCR’s enforcement policies.

**What is “Not Alone”?** In January 2014, President Obama created a White House Task Force to Protect Students from Sexual Assault. In April 2014, the Task Force issued its first report, *Not Alone*. It has no direct impact on Title IX or the Clery Act but demonstrates the Administration’s strong commitment to addressing the issue of campus sexual assaults.

**What is CASA?** Senator Claire McCaskill and co-sponsors introduced the “Campus Accountability and Safety Act” in July 2014. This proposed legislation would impose additional legal requirements on institutions with respect to campus sexual assault.

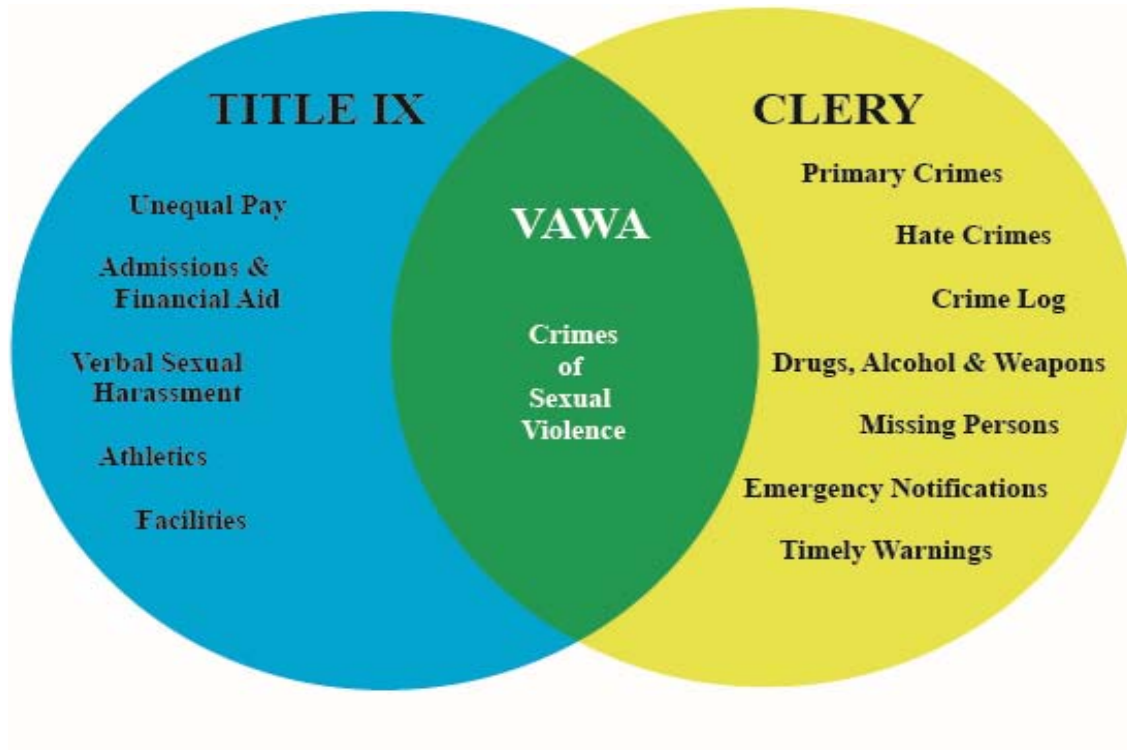


Diagram reproduced from materials prepared by the State University of New York's Office of General Counsel (reproduction by other colleges and universities permitted with attribution).

**Primary Crimes** are Murder/Non-negligent Manslaughter, Negligent Manslaughter, Sex Offenses – Forcible, Sex Offenses – Non-forcible, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, and Arson.

**Hate Crimes** include all of the Primary Crimes, plus Larceny/Theft, Simple Assault, Intimidation, and Property Destruction/Damage/Vandalism when the victim is intentionally selected because of his/her actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability.

**Crimes of Sexual Violence** - As of October 2014, colleges and universities must include statistics for domestic violence, dating violence, and assault in their Annual Security Report.

**2014 ASR's – Statistics on Sex Crimes, Alcohol and Drug Arrests and Referrals  
Vermont State Colleges for 2011, 2012 and 2013**

	CCV	CCV	CCV	CSC	CSC	CSC	JSC	JSC	JSC	LSC	LSC	LSC	VTC	VTC	VTC
Year	2011	2012	2013	2011	2012	2013	2011	2012	2013	2011	2012	2013	2011	2012	2013
<b>Enrollment</b>	6,578	6,311	6,194	2,192	2,156	2,175	1,859	1,783	1,692	1,422	1,508	1,519	1,603	1,645	1,543
<b>Forcible Sex Offense</b>	0	0	0	4	5	3	3	1	0	1	1	0	1	0	0
<b>Non-Forcible Sex Offense</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Domestic Violence</b>	N/A <sup>1</sup>	N/A	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
<b>Dating Violence</b>	N/A	N/A	0	N/A	N/A	4	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
<b>Stalking</b>	N/A	N/A	0	N/A	N/A	1	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
<b>Liquor Law Arrests</b>	4	1	0	10	32	3	0	0	8	2	5	3	4	5	2
<b>Liquor Referrals<sup>2</sup></b>	-	-	-	112	221	140	88	111	55	134	144	97	98	62	39
<b>Drug Law Arrests</b>	6	5	1	9	7	1	0	6	4	0	2	1	0	0	0
<b>Drug Referrals<sup>3</sup></b>	-	-	-	17	46	85	41	85	32	46	48	128	14	19	10

<sup>1</sup> N/A – Three was no requirement to report data on domestic violence, dating violence or stalking prior to VAWA amendments to Clery Act.

<sup>2</sup> Disciplinary referrals for liquor law violations.

<sup>3</sup> Disciplinary referrals for drug law violations.

**2014 ASR's – Statistics on Sex Crimes, Alcohol and Drug Arrests and Referrals**  
**Other Vermont Colleges for 2011, 2012 and 2013**  
**(University of Vermont, Middlebury, St. Michael's College, Champlain College & Norwich University)**

	UVM	UVM	UVM	Midd.	Midd.	Midd.	St. M	St. M	St. M	Chpln	Chpln	Chpln	N'wch	N'wch	N'wch
Year	2011	2012	2013	2011	2012	2013	2011	2012	2013	2011	2012	2013	2011	2012	2013
<b>Enrollment</b>	13,478	13,097	12,723			2,495			2,350			3,317			2,148
<b>Forcible Sex Offense</b>	10	14	15	5	5	17	0	1	1	0	1	2	7	6	1
<b>Non-Forcible Sex Offense</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Domestic Violence</b>	N/A	N/A	*2	N/A	N/A	0	N/A	N/A	2	N/A	N/A	N/R <sup>4</sup>	N/A	N/A	0
<b>Dating Violence</b>	N/A	N/A	*2	N/A	N/A	2	N/A	N/A	0	N/A	N/A	N/R	N/A	N/A	1
<b>Stalking</b>	N/A	N/A	2	N/A	N/A	1	N/A	N/A	1	N/A	N/A	N/R	N/A	N/A	0
<b>Liquor Law Arrests</b>	4	4	6	0	0	0	39	101	77	7	4	3	2	8	7
<b>Liquor Referrals</b>	1,251	1,188	1,284	49	90	60	129	60	107	178	151	135	54	56	56
<b>Drug Law Arrests</b>	31	45	39	1	1	0	4	9	11	1	0	0	3	0	1
<b>Drug Referrals</b>	488	513	682	67	49	1	90	61	69	184	198	103	13	4	4

\*Combined total for both domestic violence and dating violence

Note: Accurate enrollment data for Middlebury, St. Michael's, Champlain and Norwich was difficult to obtain so these figures should be regarded only as estimates.

<sup>4</sup> N/R = Not reported.

**2014 ASR's – Statistics on Sex Crimes, Alcohol and Drug Arrests and Referrals  
Comparable Area Colleges in NY and NH for 2011, 2012 and 2013  
(SUNY- Plattsburgh, Clinton Community College [SUNY] in Plattsburgh, Keene State College,  
New Hampshire Technical Institute, and River Valley Community College in Keene & Claremont)<sup>5</sup>**

	Platt	Platt	Platt	Clinton	Clinton	Clinton	Keene	Keene	Keene	NHTI	NHTI	NHTI	RVCC	RVCC	RVCC
Year	2011	2012	2013	2011	2012	2013	2011	2012	2013	2011	2012	2013	2011	2012	2013
<b>Enrollment</b>			6,051			2,357			4,923			4,568			1,030
<b>Forcible Sex Offense</b>	8	6	4	1	0	0	4	2	3	1	3	N/R	0	0	0
<b>Non-Forcible Sex Offense</b>	0	0	0	0	0	0	0	0	0	0	0	N/R	0	0	0
<b>Domestic Violence</b>	N/A	N/A	*9	N/A	N/A	N/R	N/A	N/A	1	N/A	N/A	N/R	N/A	N/A	N/R
<b>Dating Violence</b>	N/A	N/A	*9	N/A	N/A	N/R	N/A	N/A	0	N/A	N/A	N/R	N/A	N/A	N/R
<b>Stalking</b>	N/A	N/A	5	N/A	N/A	N/R	N/A	N/A	0	N/A	N/A	N/R	N/A	N/A	N/R
<b>Liquor Law Arrests</b>	**68	**25	**34	5	0	0	45	119	77	5	4	N/R	0	0	0
<b>Liquor Referrals</b>	27	27	17	0	0	22	476	767	733	92	133	N/R	0	0	0
<b>Drug Law Arrests</b>	**28	**26	**71	4	0	3	50	39	80	0	0	N/R	0	0	0
<b>Drug Referrals</b>	27	28	20	10	0	4	192	187	225	14	27	N/R	0	0	0

\*Combined total for both domestic violence and dating violence

\*\* Includes data from local police that may be outside Clery reporting jurisdiction

Note: Accurate enrollment data was difficult to obtain so these figures should be regarded only as estimates.

<sup>5</sup> NHTI and River Valley CC are both part of the Community College System of New Hampshire.



## Clery Act Geography

To be included in the statistics, a reported incident must: (1) meet the definition of a Clery Act crime (*see below*); and (2) take place within the institution's Clery geography. Clery geography encompasses: (a) on campus; (b) on public property within or immediately adjacent to the campus; and (3) in or on non-campus buildings or property that the institution owns or controls.

### Definitions used for counting crimes for Clery Act purposes:

#### Sex Offenses--Forcible

Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

##### A. Forcible Rape

The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

##### B. Forcible Sodomy

Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

##### C. Sexual Assault with an Object

The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

##### D. Forcible Fondling

The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

#### Sex Offenses--Nonforcible

Unlawful, nonforcible sexual intercourse.

##### A. Incest

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

##### B. Statutory Rape

Nonforcible sexual intercourse with a person who is under the statutory age of consent.

#### Domestic Violence

The term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant

monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Dating Partner**

The term "dating partner" refers to a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, and where the existence of such a relationship shall be determined based on a consideration of—

- (A) the length of the relationship;
- (B) the type of relationship; and
- (C) the frequency of interaction between the persons involved in the relationship.

**Dating Violence**

The term "dating violence" means violence committed by a person—

- (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - (i) The length of the relationship.
  - (ii) The type of relationship.
  - (iii) The frequency of interaction between the persons involved in the relationship.

**Stalking**

The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- (A) fear for his or her safety or the safety of others; or
- (B) suffer substantial emotional distress.

**VERMONT STATE COLLEGES  
CHANCELLOR'S PROCEDURES FOR IMPLEMENTATION OF  
POLICY 311-A: SEXUAL MISCONDUCT, DOMESTIC VIOLENCE,  
DATING VIOLENCE, AND STALKING**

**I. INTRODUCTION**

The following procedures outline the steps available to individuals who may have been subjected to sexual misconduct, domestic violence, dating violence, or stalking, as defined in Policy 311-A, and describe the institutional procedures for handling complaints involving such misconduct. These procedures incorporate by reference the terms and conditions of Policy 311-A, *Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking*, and are to be read consistently with the requirements of any state or federal laws and regulations, any collective bargaining agreement, and any personnel handbook governing the rights and responsibilities of VSC, its member Colleges and its employees. These procedures may be modified as necessary to comply with federal and state law and to respond promptly and effectively to incidents of sexual misconduct, domestic violence, dating violence, and stalking.

**II. DEFINITIONS**

The definitions set forth in Policy 311-A are incorporated here by reference. The following additional definitions apply to these procedures.

**“Complainant”** means a person who files a complaint alleging that she or he has been subjected to conduct that violates Policy 311-A.

**“Dean of Students”** means the Dean of Students at a member College or any person carrying out that function, however named.

**“Designated contact person”** means those persons designated by the Office of the Chancellor and the member Colleges to advise individuals with questions about Policy 311-A, to provide information about available resources for victims, to assist in the reporting of an incident that may constitute a violation of Policy 311-A, and to explain the process for filing a complaint. The names of the designated contact persons at each institution shall be published online and made available at the office of the Dean of Students and the office of the Human Resources Administrator for each member College, as well as the office of the Director of Human Resources at the Office of the Chancellor.

**“Employee”** means all VSC employees, including student employees, such as Resident Advisors and work study students (within their capacity as work study students).

**“Parties”** means the complainant and the respondent.

**“Respondent”** means a person against whom a complaint has been filed alleging that the person’s conduct violated Policy 311-A.

**“Responsible College Administrator” or “RCA”** means (1) the President or Dean of Students from the member College where the violation allegedly occurred; (2) the Director of Human Resources at the Office of the Chancellor, if the violation allegedly occurred at the Office of the Chancellor; (3) the Chancellor if the Director of Human Resources allegedly violated Policy 311-A; (4) the Chair of the Board of Trustees if the Chancellor allegedly violated Policy 311-A; and (5) any designee of the aforementioned.

**“Third Parties”** means individuals who are neither students nor employees, such as visitors, parents, vendors, and independent contractors.

**“Title IX Coordinator”** means the administrator at each College selected by the President, and the person at the Office of the Chancellor selected by the Chancellor, to serve as Title IX Coordinator for the purposes of coordinating VSC’s efforts to comply with and carry out its responsibilities under Title IX. For the purposes of Policy 311-A, the Title IX Coordinator’s responsibilities include overseeing the process for handling all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints. The Title IX Coordinator prepares annual reports on the nature and outcome of complaints at the institution, which are to be used for satisfying any VSC or member College legal reporting requirements and for planning and assessing progress toward the goal of preventing sexual misconduct. Contact information for the Title IX Coordinators is located in Appendix A.

**“VSC”** refers collectively to Vermont State Colleges and the five individual member Colleges, Castleton State College, Community College of Vermont, Johnson State College, Lyndon State College, and Vermont Technical College.

### **III. EXAMPLES OF PROHIBITED CONDUCT**

The definitions of dating violence, domestic violence, sexual assault, sexual misconduct, and stalking set forth in Policy 311-A, *Sexual Misconduct, Domestic Violence, Dating Violence, and*

*Stalking*, apply to these Procedures. This section provides examples of the types of conduct prohibited by Policy 311-A and is not intended to alter the definitions contained in Policy 311-A.

**Domestic violence and dating violence** behaviors or activities directed against a family member, a household member, or a person one is dating or has dated include, but are not limited to: (1) violence or threats of violence (even in the absence of bodily injury); (2) negligent or reckless use of physical force; (3) conduct that may reasonably be expected to exploit or coerce another; (4) restraint; (5) prevention of another's ability to communicate or move freely by the use of threats, intimidation, abuse or physical force; (6) unauthorized entry and, specifically, uninvited threatening presence in another's room or office; and (7) other conduct intended to intimidate, manipulate, humiliate, terrorize, or isolate the other person. Domestic violence and dating violence can be a single act or a pattern of behavior in a relationship.

The term **sexual misconduct** includes **sexual assault**. Policy 311-A contains a comprehensive definition of both terms.

**Stalking** behaviors or activities, when conducted in connection with the definition of stalking set forth in Policy 311-A, include, but are not limited to: (1) non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, text messages, written letters, gifts, or any other communications that are unwelcome; (2) use of online, electronic or digital technologies, such as posting pictures or text in chat rooms or on websites, posting private or public messages on Internet sites, social networks, and/or school bulletin boards, installing spyware on a person's computer, and using Global Positioning Systems (GPS) or similar technology to monitor a person; (3) pursuing, following, waiting for, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the person; (4) surveillance or other types of observation; (5) trespassing; (6) vandalism; (7) direct verbal or physical threats against a person or a person's family member, pet or personal property; (8) gathering information about a person from friends, family, or co-workers; (9) accessing private information through unauthorized means; (10) threats to harm self or others; (11) defamation and/or lying to others about the person; and (12) using a third party or parties to accomplish any of the above.

#### **IV. CONTACT INFORMATION**

Any person who believes that she or he is the victim of sexual misconduct, domestic violence, dating violence, or stalking, or a person who has information about such an incident, may seek advice or information from the Title IX Coordinator, designated contact persons, or responsible College administrators. Victims of conduct prohibited by Policy 311-A have the option to notify

law enforcement, to be assisted by VSC officials in notifying law enforcement, or to decline to notify law enforcement.

VSC encourages all members of the VSC community affected by sexual misconduct, domestic violence, dating violence, or stalking to seek immediate assistance. Seeking prompt assistance is important to ensure a person's physical safety, to obtain medical care or other support, and to preserve evidence for any legal or disciplinary action. Preservation of evidence is important even if an individual initially chooses not to pursue a complaint, criminal charge or protective order, because the individual may decide to do so in the future.

Contact information for: (1) trained campus and community advocates and counsellors who can provide an immediate confidential response in a crisis situation; and (2) Public Safety, law enforcement and other first responders, shall be published on VSC websites and made available at the offices of the Chancellor, President, Dean of Students, Human Resources, Public Safety, and counseling/student health center.

## **V. SUPPORT AND ASSISTANCE**

### **(A) Court Orders**

VSC is committed to ensuring the safety and well-being of individuals who are being or who may have been subjected to sexual misconduct, domestic violence, dating violence, or stalking. Such individuals may have the right to obtain orders of protection, restraining orders and/or relief from abuse orders from Vermont courts. Upon request, VSC will assist individuals in making contact with law enforcement authorities and other external resources to seek such orders. This assistance is available regardless of whether an individual chooses to file a complaint with VSC.

### **(B) Protective Measures**

Upon request, the responsible College administrator or his/her designee ("RCA") will work with victims of sexual misconduct, domestic violence, dating violence or stalking to determine whether alternative academic, transportation, working and/or living situations are available and reasonably necessary to ensure an individual's safety and well-being. Individuals do not have to file a formal complaint, participate in a disciplinary process, or file a criminal complaint in order to request such help from VSC. Examples of possible measures that may be taken prior to the final outcome of any disciplinary process or criminal charge, include changing academic or work schedules, permitting students to withdraw from or retake a class without penalty, facilitating access to academic support services, changing residence hall assignments, providing information

about existing counseling, health, mental health, victim advocacy, legal assistance and other services available for victims at the member College and/or in the community, issuing no contact and no trespassing orders, and increasing security.

Any measure taken should seek to minimize the burden on the victim while respecting the due process rights of the person accused of engaging in the prohibited conduct. The imposition of any of these measures does not indicate a presumption of guilt, nor does it preclude subsequent disciplinary action. A no contact order in and of itself does not constitute discipline and will not appear in an employee's personnel file or on a student's disciplinary record, but refusal to comply with a no contact order (or other interim measure) is a violation of policy and may result in disciplinary action. A no trespass notice prohibits the presence of an individual in a designated area. Such notices are legally enforceable and, if violated, may lead to arrest.

**(C) Interim Suspension**

If VSC has reasonable cause to believe that a student accused of violating Policy 311-A poses a substantial threat to him or herself, the alleged victim, other people, property, or the continuance of normal VSC operations, VSC may suspend the student for an interim period, pending the outcome of the disciplinary process. Careful consideration should be given to alternative interim measures, such as changing class schedules, changing residence hall assignments, and issuing no contact orders, before imposing an interim suspension.

An interim suspension may not be imposed without prior notice to the student (either written or oral) of the contemplated suspension and the factual basis for it. The student shall have forty-eight hours in which to submit a letter to or appear personally before the Dean of Students (or the Dean's designee) to contest the interim suspension. The Dean of Students (or the Dean's designee) shall consider: (1) the reliability of the identification of the student; and (2) whether the alleged conduct, if true, based on the surrounding circumstances, reasonably indicates that the continued presence of the student on campus poses a substantial threat to him or herself, the alleged victim, other people, property, or the normal operations of VSC. The Dean (or the Dean's designee) may require the student to meet certain conditions in lieu of an interim suspension. Unless the Dean of Students (or the Dean's designee) determines that it would be unreasonably difficult or dangerous to delay the interim suspension, the student shall have the opportunity to be heard in person or in writing before the interim suspension takes effect.

## **VI. REPORTING SEXUAL MISCONDUCT, DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING**

### **(A) Report by Victims or Others with Information**

Any person who believes that she or he is the victim of sexual misconduct, domestic violence, dating violence, or stalking, or a person who has information about an alleged incident, may report the incident to the Title IX Coordinator, a designated contact person, a responsible College administrator, Public Safety, or Human Resources.

Individuals with a disability may request accommodations to ensure their full and equal participation in reporting incidents of sexual misconduct, domestic violence, dating violence, or stalking, as well as the investigatory and adjudicatory process under this Policy.

Accommodations are determined on an individual basis in consultation with the disability coordinator for the member Colleges (students) or Human Resources (employees).

### **(B) Reporting Requirements for Employees**

Employees who learn of an incident of sexual misconduct, domestic violence, dating violence or stalking are required to report this information to the Title IX Coordinator, the Dean of Students, the President, or to the Director of Human Resources if the employee works in the Office of the Chancellor.

The report should include all known relevant details, including a description of the alleged incident, the names of anyone involved or present, the date, time, and location.

Failure by an employee to report a complaint or alleged acts of sexual misconduct, domestic violence, dating violence, or stalking is considered a violation of policy and may result in disciplinary action.

### **(C) Reporting to Law Enforcement Agencies**

In addition to internal reporting, all members of the VSC community involved in an incident of sexual misconduct, domestic violence, dating violence or stalking, as a victim or a witness, have the right to—and are encouraged to—contact local and state law enforcement agencies, regardless of whether the victim chooses to file a complaint with VSC. Contact information for such agencies shall be published on VSC websites and made available at the offices of the Chancellor, President, the Dean of Students, Human Resources, Public Safety, and any campus counseling/health center.



VSC will not wait for the conclusion of a criminal investigation or proceeding to begin its own investigation and processing complaints under this Policy. VSC will, however, comply with valid requests by law enforcement for cooperation in a criminal investigation and may, if so requested, temporarily delay an investigation while law enforcement initially gathers evidence.

In certain circumstances, VSC may need to report an incident of sexual misconduct, domestic violence, dating violence, or stalking to law enforcement, such as where the incident warrants undertaking safety and security measures for the protection of an individual and/or the VSC community, including those situations where there is clear and imminent danger and/or where a weapon may be involved. The alleged victim may choose whether to cooperate with law enforcement.

## **VII. FILING A FORMAL SEXUAL MISCONDUCT, DOMESTIC VIOLENCE, DATING VIOLENCE OR STALKING COMPLAINT<sup>1</sup>**

### **(A) Complaints against Students**

A formal complaint of sexual misconduct, domestic violence, dating violence, or stalking by a student shall be filed with the Dean of Students (or the Dean's designee).

### **(B) Complaints against Employees**

A formal complaint of sexual misconduct, domestic violence, dating violence, or stalking by an employee shall be filed with the President of the College (or the President's designee). A complaint against the President shall be filed with the Chancellor, who will designate an alternate contact person. A formal complaint of such misconduct against an employee in the Office of the Chancellor shall be filed with the Director of Human Resources (or the Director's designee). A complaint against the Director shall be filed with the Chancellor, who will designate an alternate contact person. A formal complaint of such misconduct against the Chancellor shall be filed with the Chair of the Board of Trustees. A student who is filing a complaint against an employee may seek assistance from the Dean of Students in making contact with the appropriate contact person. If the complaint is against the Dean of Students, the student may seek assistance from the President's Office, which will designate an alternate contact person to provide such assistance.

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<sup>1</sup> Individuals who believe that they have been subjected to unwelcome conduct of a sexual nature and/or sexual harassment may seek informal resolution of the issues, without filing a formal complaint, as set forth in the *Chancellor's Procedures for Implementation of Policy 311: Non-Discrimination and Prevention for Harassment and Related Unprofessional Conduct*. Informal resolution will not be used in cases involving sexual assault.

Respondents who are represented by a union may exercise their rights, pursuant to federal and state labor law, through this adjudicatory process, including, but not limited to, the right to have a union representative present for any interview or meeting.

**(C) Complaints against Third Parties**

A formal complaint of sexual misconduct, domestic violence, dating violence, or stalking by a third party may be filed with the Dean of Students or the President of the College. VSC's ability to take disciplinary action against a third party may be limited, depending on the particular circumstances, but may include banning the third party from campus.

**(D) Complaints brought by VSC**

VSC may investigate and pursue disciplinary action against a respondent whose conduct allegedly violates Policy 311-A even if the alleged victim chooses not to file a formal complaint. If this occurs, VSC will follow the procedures set forth below to the extent reasonably possible.

**(E) Written Complaint**

After an initial discussion, the complainant will be asked to prepare a written statement describing the alleged conduct. The statement should include information such as the date and time of the alleged sexual misconduct, the name of the respondent, the circumstances surrounding the alleged conduct, and the identity of any person who may have knowledge or information about the conduct.

**(F) Preliminary Evaluation**

The responsible College administrator or his/her designee ("RCA") shall review the complainant's written statement to determine whether the allegations, if true, would constitute a violation of Policy 311-A. If the alleged actions of the respondent would be a violation of this Policy, the procedures set forth below will be followed. If the alleged actions of the respondent would not be a violation of this Policy, the RCA will consider whether the alleged actions would otherwise subject the respondent to discipline. If so, the procedures applicable for handling such other alleged offenses will be followed. The RCA shall take no further action, other than to inform the complainant, if the alleged actions of the respondent as set forth in the written statement, if true, would not constitute an offense subject to discipline.

**(G) Notice to Respondent**

If the complaint is not dismissed following the preliminary evaluation, the respondent shall be informed of the allegations and given a copy of the complainant's written statement. Certain identifying information may be redacted, if necessary, to comply with the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. § 1232g. The respondent shall also be given the links to Policy 311-A and its implementing procedures on VSC's website. Information on existing counseling, health and mental health services available on campus and/or in the community is available on the websites of the member Colleges. The respondent shall be notified that taking any retaliatory action (directly or through others) against any person involved in the investigation is prohibited and will be considered a separate violation of VSC policy. Copies of the complaint shall be provided to the complainant, the Title IX Coordinator, the investigators, and VSC's general counsel.

**VIII. THE INVESTIGATION****(A) Appointing Investigators**

The RCA will appoint two impartial, qualified, and trained investigators to investigate complaints of sexual misconduct. Investigators may be employees of the member College, other VSC employees, or outside investigators.

The complainant or respondent may raise an objection to the selection of a particular investigator if either believes there is demonstrable or perceived bias on the part of the investigator. Any such objections must be raised upon receipt of notice of the appointments. The RCA has final authority in the appointment of investigators.

**(B) Conducting the Investigation**

The investigators shall conduct an investigation that is thorough, impartial, and appropriate under the circumstances. The nature and scope of the investigation is within the discretion of the investigators.

**(1) Witnesses and Evidence**

The complainant and respondent will be asked to identify relevant evidence they would like the investigators to review, as well as witnesses they would like the investigators to interview and questions they would like the investigators to ask the witnesses. The investigators have discretion as to what evidence to pursue and witnesses to interview,

depending on their determination of what they reasonably believe to be related to the issues in dispute.

**(2) Cross-Examination**

The parties are not permitted to question or cross-examine each other during the course of the investigation but, if they wish, may provide a list of questions they would like the investigators to ask the other party. The investigators have discretion as to whether to ask such questions precisely as posed, or at all, depending on their determination of what questions would reasonably lead to the discovery of relevant information. Questions about the complainant's sexual history with anyone other than the respondent shall not be permitted.

**(3) Advisors**

Complainants and respondents are entitled to the same opportunities to have an advisor of their choosing present at any interview or meeting they have with investigators. Any such advisor may advise the complainant or respondent privately, but cannot act as a speaking advocate. An investigator may terminate the meeting and proceed with the investigation based on otherwise-available information if advisors refuse to comply with these requirements.

**(4) Additional Policy Violations**

If, in the course of the investigation, other allegations against the respondent surface which could result in discipline under this Policy, other VSC policies, policies of the member College, any collective bargaining agreement, or personnel handbook, the investigators shall inform the respondent, in writing, of such allegations and the respondent shall be given an opportunity to respond to the additional allegations before the investigators submit their report. If the alleged additional violations are unrelated to the allegations contained in the complaint, VSC may choose to address these separately and not as part of the ongoing investigatory and adjudicatory process.

**(C) Investigators' Report**

At the conclusion of their investigation, the investigators shall prepare a report setting forth their findings and recommendations.

**(1) Standard**

The findings and recommendations will be based on the preponderance of evidence standard, *i.e.*, whether it is more likely than not that the policy was violated.

## **(2) The Report**

The report shall include:

- A statement summarizing the allegations;
- A procedural summary, including the date the investigators were appointed, the names of the witnesses and dates when each was interviewed, and a list of the documents reviewed;
- The definition of the alleged violation(s) of Policy 311-A;
- The findings of fact, including a summary of the information provided by the witnesses and how any discrepancies between different versions were reconciled;
- The conclusion, in which the findings of fact are applied to the standards set forth in Policy 311-A to reach a determination as to whether the Policy was violated; and
- Any general recommendations for consideration by the RCA, such as trainings, education, or other actions that may reduce/eliminate prohibited misconduct in the future. Unless specifically requested to do so by the RCA, investigators will not make recommendations about possible sanctions.

## **(3) Time-frame**

The investigators' report shall be prepared within forty-five (45) calendar days of the filing of the formal complaint. Where extenuating circumstances are present and documented by the investigators, this time-frame may be extended with due notification to the parties.

## **(4) Parties' Response**

The complainant and respondent will each be given the opportunity to review the investigators' report and to provide a written response to the report to the investigators within seven (7) calendar days.

## **(5) Submission of Report**

The final report, along with copies of the complainant's and respondent's written responses, shall be sent to the Title IX Coordinator, the RCA, the complainant, and the respondent. Certain identifying information may be redacted from the materials to which the complainant and respondent have access, pursuant to FERPA.

## **IX. DETERMINATION AND SANCTIONS**

### **(A) Student Respondents**

#### **(1) Determination**

The RCA is not bound by the investigators' report and may accept or reject the investigators' recommended conclusion in whole or in part, or may request additional relevant information before making a final determination. The complainant and respondent may choose to meet with the RCA before a final determination is made and may be accompanied by an advisor of their choosing. The advisor may confer privately with the individual, but the advisor cannot address the RCA directly. The RCA may request to meet with either party or any other person(s) the RCA considers appropriate before making a final determination.

After conducting any such meetings and considering the investigators' report and recommended findings, the RCA shall issue a determination as to whether a violation of Policy 311-A (or a violation of other VSC policies, if applicable) occurred. The determination will be based on a preponderance of the evidence standard.

#### **(2) Disciplinary Action**

If the RCA determines that a student has engaged in conduct that violates this Policy (or other VSC policies, if applicable), the RCA shall impose disciplinary sanctions on the student. The RCA shall consider what sanction(s) are: (1) fair and appropriate given the facts of the particular case, (2) consistent with the sanctions imposed in similar cases; and (3) adequate to protect the safety of the complainant and the VSC community. The range of disciplinary sanctions includes verbal and written warnings, written reprimands, counseling, loss of privileges, probationary status, removal from College housing, suspension, expulsion, revocation of degree, and/or withholding of transcript or other action determined to be appropriate under the circumstances. Regardless of the finding, other action may be taken as appropriate under the circumstances, including but not limited to room changes, class changes, building restrictions, extracurricular activity restrictions, modification of no contact orders, and other actions to preserve the rights of the complainant to a safe environment.

The complainant and respondent will be notified, simultaneously and in writing, of: (1) the RCA's determination; (2) the disciplinary sanctions, if any, to be imposed; and (3) VSC's procedures for complainants and respondents to appeal the determination and

disciplinary sanctions. A copy of the RCA's determination shall be sent to the Title IX Coordinator.

**(3) Time-frame**

Absent extenuating circumstances, the RCA shall issue a determination as to whether a violation of VSC's policies has occurred and the imposition of any sanctions (or other action) within seven (7) calendar days after receipt of the investigators' report. This period may be extended if the RCA determines that further information or investigation is needed. The parties shall be notified if changes are made to this time-frame.

**(B) Employee Respondents**

**(1) Determination**

The RCA is not bound by the investigators' report and may accept or reject the investigators' recommended conclusion in whole or in part, or may request additional relevant information before making a final determination.

After considering the investigators' report and any such additional information, the RCA shall notify the complainant and respondent, simultaneously and in writing, of the RCA's initial determination as to whether a violation of Policy 311-A (or a violation of any other policy, agreement or handbook, if applicable) occurred and shall outline the discipline, if any, being contemplated. The determination will be based on a preponderance of the evidence standard.

The complainant and respondent may each request to meet with the RCA, before a final determination is made, and may be accompanied by an advisor of their choosing. If the respondent is an employee who is covered by a collective bargaining agreement, the procedures and mutual obligations of VSC and the employee regarding disciplinary action delineated in those agreements will apply.

**(2) Disciplinary Action**

After any such meetings, the RCA shall notify the complainant and respondent, simultaneously and in writing, of the RCA's final determination as to whether a violation of Policy 311-A (or a violation of any other policy, agreement or handbook, if applicable) occurred and the disciplinary action(s) to be imposed. The RCA shall also notify the complainant and respondent, in writing, as to any right that the parties may have to

appeal the determination and disciplinary action, pursuant to the relevant employee collective bargaining agreement or the VSC personnel handbook for those employees not covered by a collective bargaining agreement. A copy of the RCA's determination shall be sent to the Title IX Coordinator.

Disciplinary action under existing policies and/or contracts may include verbal warnings, written warnings, written reprimands, probation, suspension, termination of employment, non-renewal of a contract, or other action determined to be appropriate under the circumstances. Additional non-disciplinary outcomes, such as extending and modifying no contact orders, may also be imposed, regardless of the finding, to preserve the rights of the complainant to a safe environment.

### **(3) Time-frame**

Absent extenuating circumstances, the RCA's final determination as to whether a violation of VSC's policies has occurred and the imposition of any discipline (or other action) within seven (7) calendar days after receipt of the investigators' report. This time period may be shorter or longer depending on the circumstances, including any contractual rights of the parties. The parties shall be notified if changes are made to the timeframe.

## **X. APPEAL**

### **(A) Student Respondents**

In cases where the respondent is a student, both the complainant and respondent have the right to appeal the outcome on the following grounds: (1) procedural error where the error prevented fundamental fairness; (2) the discovery of previously unavailable evidence that could significantly impact the outcome of the case; or (3) the sanction is substantially disproportionate to the findings.

Within seven (7) calendar days of receiving the final determination and any discipline or sanctions imposed, the parties may appeal to the President of the College (or the President's designee) by delivering a written statement of appeal to the President and to the Dean of Students. The Dean of Students shall notify the other party of the appeal and the other party shall be given seven (7) calendar days in which to submit a written response to the appeal to the President (or the President's designee), with a copy to the Dean of Students. Both parties will be informed simultaneously and in writing, of (1) any change to the discipline and/or sanctions



imposed while the appeal is pending, and (2) the final decision. The decision of the President (or the President's designee) is final.

### **(B) Employee Respondents**

In cases where the respondent is an employee, the right to appeal shall be governed by the relevant employee collective bargaining agreement or the VSC personnel handbook for those employees not covered by a collective bargaining agreement. Both parties will be informed simultaneously and in writing, of (1) any change to the discipline and/or sanctions imposed while the appeal is pending, and (2) the final decision.

## **XI. NOTICES**

For purposes of this Policy, written notifications to the parties and written responses from the parties may be hand-delivered, mailed, and/or sent to or from the parties' official VSC e-mail addresses. The same method of communication shall be used for both the complainant and the respondent.

## **XII. RECORD-KEEPING**

The Title IX Coordinator and designated College officials will treat reports of sexual misconduct, domestic violence, dating violence, or stalking and related complaints, investigative reports, and final determinations as confidential, to the extent allowed by law. The Title IX Coordinator will track reports of sexual misconduct for statistical and reporting purposes.

## **XIII. EDUCATIONAL PROGRAMMING**

VSC will provide educational programming for students and employees addressing the issues of sexual misconduct, domestic violence, dating violence, and stalking, which will include: (1) primary prevention and awareness programs for incoming students and new employees; (2) safe and positive options for bystander intervention; (3) information on risk reduction to recognize warning signs of abusive behavior; and (4) ongoing prevention and awareness programs for students and employees. VSC shall take the following steps:

- Include Policy 311-A and its implementing procedures on the VSC's Policies and Procedures page of its website (<http://www.vsc.edu/about-vsc/Pages/Policies-and-Procedures.aspx>);

- Include links to Policy 311-A and its implementing procedures in appropriate publications provided to students and employees;
- Provide educational materials on sexual misconduct, dating violence, domestic violence, stalking, and bystander intervention;
- Identify the individuals who are responsible for overseeing the development and implementation of prevention and awareness programs;
- Develop primary and ongoing prevention and awareness programs for students and employees;
- Select and train the Title IX Coordinators;
- Select and train designated contact persons;
- Select and train investigators annually regarding the issues related to sexual misconduct, domestic violence, dating violence and stalking, and how to conduct investigations that are prompt, effective, fair, equitable and impartial; and
- Train responsible College Administrators annually and any others responsible for adjudicating complaints and considering appeals regarding the issues related to sexual misconduct, domestic violence, dating violence, and stalking, and how to conduct an adjudication process that is prompt, effective, fair, equitable and impartial.

The member Colleges and the Office of the Chancellor shall continue to support, monitor and revise the educational prevention and awareness programs and informational materials as they work toward the goals of eliminating sexual misconduct, domestic violence, dating violence, and stalking and of enhancing mutual trust and respect.

#### **XIV. OTHER REMEDIES**

Individuals who believe that their rights under Title IX have been violated may file a claim with the United States Department of Education's Office for Civil Rights:

##### Regional Office

Office for Civil Rights  
8th Floor  
5 Post Office Square  
Boston, MA 02109-3921

Telephone: 617-289-0111  
FAX: 617-289-0150  
TDD: 800-877-8339  
Email: OCR.Boston@ed.gov

##### National Headquarters

Office for Civil Rights  
Lyndon Baines Johnson Dep't of Education Bldg  
400 Maryland Avenue, SW  
Washington, DC 20202-1100

800-421-3481  
202-453-6012  
800-877-8339  
OCR@ed.gov

**Chancellor's Procedures for Implementation of Policy 311-A:  
Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking**

**APPENDIX A**

**Title IX Coordinators**

Office of the Chancellor:	Nancy Shaw <a href="mailto:nancy.shaw@vsc.edu">nancy.shaw@vsc.edu</a> (802) 224-3011
Castleton State College:	Janet Hazelton <a href="mailto:janet.hazelton@castleton.edu">janet.hazelton@castleton.edu</a> (802) 468-1207
Community College of Vermont:	Heather Weinstein <a href="mailto:heather.weinstein@ccv.edu">heather.weinstein@ccv.edu</a> (802) 828-3010
Johnson State College:	Dave Bergh <a href="mailto:david.bergh@jsc.edu">david.bergh@jsc.edu</a> (802) 635-1404
Lyndon State College:	Jonathan Davis <a href="mailto:jonathan.davis@lyndonstate.edu">jonathan.davis@lyndonstate.edu</a> (802) 626-6419
Vermont Technical College:	Jennifer Norton-Magnan <a href="mailto:jnorton@vtc.vsc.edu">jnorton@vtc.vsc.edu</a> (802) 728-1794

Inquiries regarding the application of Title IX and other laws, regulations and policies prohibiting discrimination may also be directed to the United States Department of Education's Office for Civil Rights at 5 Post Office Square, 8<sup>th</sup> Floor, Boston, MA 02109-3921; Tel: (617) 289-0111; Fax: (617) 289-0150; Email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov).

Updated as of September 30, 2014

## 2. Suggested Calendar of EPSL Committee Discussion Items

Based on feedback from Committee members at the May 22, 2014 meeting, Chancellor's Office staff and the chair and vice-chair of the EPSL Committee worked together to compile a calendar with which to guide Committee discussions over a two-year period. This will allow essential topics to be covered on a regular basis while giving newer trustees an opportunity to learn more about the VSC. These topics would be in addition to any action items required of the Committee, including approval of new programs, PReCIP (Policy 101) assessments, and Policy 109 approvals. A suggested calendar of topics follows.

### 2014-2015

October: Student Safety and Campus Security  
December: VSC Organizational Structure  
PReCIP (Policy 101) Program Assessments  
February: Distance Learning  
Policy 109 Approvals  
April: Graduation Standards  
May: Student Success

### 2015-2016

October: Academic Advising  
December: Academic Programming  
PReCIP (Policy 101) Program Assessments  
February: Evaluations and Assessment  
Policy 109 Approvals  
April:  
May: Student Success

3. Update on Johnson State College Presidential Search

B. ITEMS FOR DISCUSSION AND ACTION

1. Approval of the Minutes of the May 22, 2014 Meeting

*Note: These are unapproved minutes, subject to amendment and/or approval at the subsequent committee meeting.*

The EPSL Committee met on Thursday, May 22, 2014 at Castleton State College, Castleton, Vermont.

EPSL Committee members present: Heidi Pelletier (Chair), Karen Luneau (Vice-Chair), Kraig Hannum, Bill Lippert, Jim Masland, Colin Santee.

Other trustees present: Tim Jerman, Gary Moore, Chris Macfarlane, Martha O'Connor

From the Chancellor's Office: Tim Donovan, Chancellor; Annie Howell, CAO; Bill Reedy, Vice President & General Counsel; Tom Robbins, Vice President & CFO

College Presidents: Joe Bertolino, Dan Smith, Joyce Judy, Barbara Murphy, Dave Wolk

Guests: Tess Conant, President, PAT-SUP; Linda Olson, President, Faculty Federation; Tony Pepper, Academic Dean, Castleton State College.

Chair Pelletier called the meeting to order at 12:00 pm.

A. ITEMS FOR DISCUSSION AND ACTION

1. Approve Minutes from February 12, 2014

Trustee Luneau moved and Trustee Hannum seconded a motion to adopt the minutes of the April 3, 2014 EPSL Committee meeting. The minutes were approved by the committee.

2. Policy 102 Final Program Proposals: Castleton State College, Bachelor of Arts, Women and Gender Studies

Trustee Luneau moved and Trustee Hannum seconded a motion that the committee approve the Final Program Proposals for Bachelor of Arts, Women's and Gender Studies. The motion carried.

3. Nomination of Faculty for VSC Fellowship Award

Trustee Masland moved and Trustee Luneau seconded a motion that the committee approve the nomination of Lyndon State College professor Dr. Jason Shafer and Castleton State College professor Dr. Patricia van der Spuy for the VSC Fellowship Award.

President Bertolino commented that Dr. Jason Shafer is a leader in atmospheric sciences as his weather reporting is featured throughout the country. His research and practice continue to strengthen the department for students and staff alike. President Wolk added that Dr. van der Spuy is a revered teacher at Castleton State College. She holds high standards for her students, and is well deserving of this award. The committee approved both nominations.

4. Revised List of Programs Reviewed Under 2014 PReCIP Review

Trustee Luneau moved and Trustee Hannum seconded a motion that the committee approve the revised list of programs reviewed under 2014 PReCIP review.

CAO Howell shared the proposal that the VTC engineering programs and the VTC aviation program be postponed for review until 2015. Interim President Smith and Academic Dean Petty agreed that the engineering programs' ABET accreditation process that is due in October 2014 would suffice for program review. In addition, the newness of the three-year old aviation program warranted a postponement of the PReCIP process.

The committee approved the motion.

B. ITEMS FOR INFORMATION AND DISCUSSION

1. Update on VSC Academic Retreat

Chair Pelletier noted that she, Trustee Luneau, Trustee Moore, and Trustee Masland attended the 2014 Academic Retreat and had found it to be informative and rewarding. CAO Howell shared that it was a record attendance at 215 participants. CAO Howell also described the morning keynote and the afternoon panel and how these two presentations created positive incentives to continue aligning college with career readiness.

2. EPSL Committee Meeting Feedback

Chair Pelletier asked trustees for additional feedback on future EPSL meetings. Trustees shared suggestions for content such as: student equity; diversity; campus safety; Vermont employment; student life; cultural competencies; graduation standards; learning standards/outcomes; multi-disciplinary studies; workforce readiness; VSC organizational structure; and first generation students. Trustees also suggested emphasizing the various components of the EPSL committee—Education, Personnel and Student Life—more fully at each of the meetings or throughout the year. CAO Howell added that the performance indicators discussed at the previous EPSL meeting could also provide data for these topics.

Chair Pelletier called for these items to be forwarded to the Board in a consent agenda. Committee members agreed.

Chair Pelletier adjourned the meeting at 1:25 pm.



2. Nomination of Faculty for Emeritus Status

As described in Policy 204, Emeritus Status for Faculty and Administrators, presidents may initiate a proposal that a former faculty member or administrator now retired be conferred Emeritus Status. Such proposals must be submitted to the Chancellor, who shall, in forwarding such proposals to the Board, provide his recommendation.

President Bertolino has submitted a nomination for retired faculty member Professor Alan Boye for the award of Emeritus Status. The EPSL Committee needs to consider this proposal and the attached resolution for endorsement to the full Board.



## Manual of Policy and Procedures

Title  <b>EMERITUS STATUS FOR FACULTY AND ADMINISTRATORS</b>	Number  204	Page  1 of 2
	Date  11/7/80	

### PURPOSE

To recognize the outstanding services and contributions of selected faculty and administrators to the Vermont State Colleges, the Board of Trustees may grant such individuals emeritus status.

### STATEMENT OF POLICY

#### Proposal for Granting Emeritus Status

The proposal that an individual be granted emeritus status normally will be initiated by the President of the College to which the nominee is appointed; however, the Board of Trustees may choose to grant emeritus status on its own initiative. Proposals for emeritus status shall be made in writing, shall describe the full history of services and contributions to the Vermont State Colleges, and shall provide full justification for the action. Proposals shall be forwarded to the Board of Trustees through the Chancellor who shall include his/her recommendations for the action.

#### Criteria for Emeritus Status

The following are the minimum criteria for consideration for the granting of emeritus status. Because an individual meets the minimum criteria should not be considered adequate justification for recommending emeritus status.

1. At least 10 years of full-time employment with the Vermont State Colleges;
2. Clear evidence of outstanding teaching and/or administrative services;
3. Recognized record of professional achievement, growth, and development;
4. Clear evidence of college service beyond the normal or ordinary expectations;
5. Prospects for continuing service to the Vermont State Colleges; and
6. Retired status.

Signed by: Charles I. Bunting Chancellor
---------------------------------------------

### Privileges and Responsibilities of Emeritus Status

Individuals in emeritus status do not receive compensation; however, they are eligible for special assignments by the college for appropriate compensation and/or reimbursement for expenses at the discretion of the President and within guidelines of the Vermont State Colleges. Specifically, the President may grant individuals in emeritus status the following privileges:

1. Use of college facilities, equipment and services on an "available" basis;
2. Access to college activities on a basis comparable to faculty and administrators;
3. Recognition of emeritus status in appropriate college publications;
4. Use of college identification with emeritus status in communications with official groups/organizations; and
5. Opportunities to be designated as a college representative to specified groups/organizations.

Individuals in emeritus status are responsible to the Vermont State Colleges as follows:

1. Support the mission and purposes of the Vermont State colleges;
2. Maintain the professional standards which reflect credit on the Vermont State Colleges; and
3. Willingness to assist in the development of the Vermont State Colleges within the scope of individual capabilities.

### Term of Emeritus Status

Emeritus status is granted at the pleasure of the Board of Trustees and may be withdrawn by action of that Board.



June 23, 2014

Mr. Timothy Donovan, Chancellor  
Vermont State Colleges  
P.O. Box 7  
Montpelier, VT 05601

**RE: Professor Emeritus recommendation for Alan Boye**

Dear Chancellor Donovan:

I am pleased to recommend Alan Boye for recognition as Professor Emeritus. Mr. Boye, professor of English at Lyndon since 1987, retired from Lyndon State College in spring of 2009, although he has continued to teach as a part-time faculty member every semester since.

This nomination is well supported by Prof. Richard Moyer's nomination letter, dated August 22, 2011, which states:

**I am writing on behalf of the Department of English, Philosophy, and Film Studies to nominate retired professor Alan Boye for emeritus status.**

**I cannot think of anyone more deserving of emeritus status or who more clearly exemplifies the merit for which it stands. In his more than twenty years of full-time faculty service, Alan Boye was unfailingly committed to his students, his colleagues, and his college. We are very fortunate that, in his retirement, he has continued to teach his signature courses for our department and our students.**

**When Alan Boye was hired in 1987, one of his first responsibilities was the creation of the journalism program. The program Alan created was instantly successful and has since blossomed into a vital, substantial, and highly respected journalism and writing program. For many years the sole full-time faculty member responsible for journalism and non-fiction writing courses, Alan mentored countless students, many of whom continue to represent the substance and success of the program across Vermont and New England.**

**Professor Boye's personnel file is an inspiring record of his successes and his excellence in teaching, scholarship, and service. He has been unfailingly generous as guide, mentor, and instructor to hundreds upon hundreds of students, many of whom owe their own notable successes to Alan Boye's influence and example. And having taught an exceptional range of courses for majors and non-majors alike, Professor Boye has touched the lives of an entire generation and more of LSC students in profound and lasting ways. His work outside of the classroom, most notably years of service on the faculty Reappointment, Promotion, and Tenure Committee and on a series of college-wide review committees for Program Evaluation and NEASC reaccreditation, was equally significant and always given generously. Alan Boye's additional contributions to the life of the college are too many and varied to list, ranging from his interests in the T.N. Vail Museum to resurrecting and guiding the student newspaper to crafting and shaping countless college documents and publications from Policy 101 to public information. All of his contributions and commitments were given with kindness, graciousness, and unfailing good humor. There is not a single member of the LSC (and wider) community who does not regard Professor Boye with respect and affection.**

Moreover, Professor Boye is arguably the most well-known of Lyndon's faculty, both locally and nationally. His many highly regarded books—from the early *Roadside Guide to Nebraska* to the more recent *Holding Stone Hands* and *Tales from the Journey of the Dead*—along with countless articles have earned him a national reputation, while *Just Walking the Hills of Vermont* and his VPR commentaries have made his a familiar voice both in the Northeast Kingdom and throughout Vermont and New Hampshire. But Alan's publications are only a small fraction of his contributions to the college and the community, both of which have benefited tremendously from his deep and abiding commitment. From his long service on behalf of the St. Johnsbury Bike Path to his founding and continuing work with the Passumpsic Valley Land Trust, Alan Boye has given his best efforts to the life of this community in ways that are too diverse and lasting to enumerate.


Finally, the department and the college have been the fortunate beneficiaries of Professor Boye's continued service in retirement. In fact, without his willingness to continue teaching for the department and the general education program, we would be hard pressed to ensure that the program that Alan built in the first place continues to supply the first-rate education in journalism and writing that our students have come to expect from us. Those courses he still teaches, particularly the popular Survey of Literary Non-Fiction and the Creative Non-Fiction Writing Workshop, for which no one could be better qualified or more able, continue to draw a devoted audience and to supply a crucial piece of our program overall. We are very fortunate, as a department and as a college, that we can continue to call upon his expertise, his commitment, his guidance, and his generosity. For that alone, Professor Boye is eminently deserving of emeritus status, and the Department of English, Philosophy, and Film Studies most enthusiastically recommends him for that award.

It is also my pleasure to announce that Alan has recently published a book based on his experiences constructing an off-the-grid, energy-efficient, straw bale house with his wife in Vermont: *Sustainable Compromises: A Yurt, a Straw Bale House and Ecological Living*.

In sum, Mr. Boye is an ideal candidate for Professor Emeritus status. He is well regarded and respected by the administration, by his colleagues, and by his former students as an inspiring and caring teacher. He is a good-humored and wise mentor to all ages, a valued community member, an environmental steward, and a talented author.

Thank you in advance for giving careful consideration to this recommendation

Sincerely,



Joseph A. Bertolino  
President

Enclosures: Letters of support from four former students; letter of support from Dr. Richard Moyer

cc: Personnel File  
Sandy Franz, Human Resources  
Kellie Bean, Provost

NOV 07 2011



LYNDON STATE COLLEGE

1001 College Rd. P.O. Box 919  
Lyndonville, Vermont 05851-0919  
Telephone: (802) 626-6200  
Fax: (802) 626-9770

## MEMO

TO: Steve Gold, Interim President  
FROM: Richard Moye, Chair, EPFS  
RE: Emeritus status for Alan Boye  
DATE: August 22, 2011

President Gold,

I am writing on behalf of the Department of English, Philosophy, and Film Studies to nominate retired professor Alan Boye for emeritus status.

I cannot think of anyone more deserving of emeritus status or who more clearly exemplifies the merit for which it stands. In his more than twenty years of full-time faculty service, Alan Boye was unfailingly committed to his students, his colleagues, and his college. We are very fortunate that, in his retirement, he has continued to teach his signature courses for our department and our students.

When Alan Boye was hired in 1987, one of his first responsibilities was the creation of the journalism program. The program Alan created was instantly successful and has since blossomed into a vital, substantial, and highly respected journalism and writing program. For many years the sole full-time faculty member responsible for journalism and non-fiction writing courses, Alan mentored countless students, many of whom continue to represent the substance and success of the program across Vermont and New England.

Professor Boye's personnel file is an inspiring record of his successes and his excellence in teaching, scholarship, and service. He has been unfailingly generous as guide, mentor, and instructor to hundreds upon hundreds of students, many of whom owe their own notable successes to Alan Boye's influence and example. And having taught an exceptional range of courses for majors and non-majors alike, Professor Boye has touched the lives of an entire generation and more of LSC students in profound and lasting ways. His work outside of the classroom, most notably years of service on the faculty Reappointment, Promotion, and Tenure Committee and on a series of college-wide review committees for Program Evaluation and NEASC reaccreditation, was equally significant and always given generously. Alan Boye's additional contributions to the life of the college are too many and varied to list, ranging from his interests in the T.N. Vail Museum to resurrecting and guiding the student newspaper to crafting and shaping countless college documents and publications from Policy 101 to public information. All of his contributions and commitments were given with kindness, graciousness, and unending good humor. There is not a single member of the LSC (and wider) community who does not regard Professor Boye with respect and affection.

Moreover, Professor Boye is arguably the most well known of Lyndon's faculty, both locally and nationally. His many highly regarded books—from the early *Roadside Guide to Nebraska* to the more recent *Holding Stone Hands* and *Tales from the Journey of the Dead*—along with countless articles have earned him a national reputation, while *Just Walking the Hills of Vermont* and his

VPR commentaries have made his a familiar voice both in the Northeast Kingdom and throughout Vermont and New Hampshire. But Alan's publications are only a small fraction of his contributions to the college and the community, both of which have benefited tremendously from his deep and abiding commitment. From his long service on behalf of the St. Johnsbury Bike Path to his founding and continuing work with the Passumpsic Valley Land Trust, Alan Boye has given his best efforts to the life of this community in ways that are too diverse and lasting to enumerate.

Finally, the department and the college have been the fortunate beneficiaries of Professor Boye's continued service in retirement. In fact, without his willingness to continue teaching for the department and the general education program, we would be hard pressed to ensure that the program that Alan built in the first place continues to supply the first-rate education in journalism and writing that our students have come to expect from us. Those courses he still teaches, particularly the popular Survey of Literary Non-Fiction and the Creative Non-Fiction Writing Workshop, for which no one could be better qualified or more able, continue to draw a devoted audience and to supply a crucial piece of our program overall. We are very fortunate, as a department and as a college, that we can continue to call upon his expertise, his commitment, his guidance, and his generosity. For that alone, Professor Boye is eminently deserving of emeritus status, and the Department of English, Philosophy, and Film Studies most enthusiastically recommends him for that award.

### To Whom It May Concern:

As a former student it is my pleasure and honor to write a letter recommending Alan Boye be awarded emeritus status. Dear Board of Trustees, be not put off by this man's tattered sandals, his horrid New Mexico print sweaters – but instead look to the work he has done, the most honorable work a professor can ever do.

Impact students not temporarily, but for a lifetime.

I implore you to look to his students, and I assure you, they can be called up in droves to give witness. But Professor Boye's impact on our lives cannot be so easily called up and neatly summarized.

I have called upon Alan as Professor of English, and a friend. His advice, working knowledge of the writing world, and zany humor are a distinct blend that is quintessentially Alan's.

(The only fee for post grads perhaps - a small container of Ben & Jerry's sorbet he'll cheerfully share after dinner with his wonderful wife Linda.)

My first encounter with Alan was not about English or anything remotely related to the work due in his class, which makes it so singular in my mind. It was about Algebra.

I was exiting my first class with Alan pulled me aside,  
“How are your classes going?”

I mumbled something about math, but acknowledged the rest were fine. He pressed me about math,

“Are you passing?”

No, not quite.

He proceeded to direct me to various areas of the college; math tutoring, urging me to speak with the professor whom I'd avoided – at the same time gently nudging towards the help I'd need. He examined a weak spot in my early start at Lyndon state and proceeded to guide me towards overcoming an agonizing hurdle.

My irrational fear of numbers and letters in a math equation.

You see, Alan didn't have to do any of this – math wasn't in his department. He wasn't paid to care about that. But care is what Alan does. In successive weeks he would query my progress, remain interested.

As with other students, Alan was and is a presence in our lives. He wanted to know what we filled our days with in college, though he could easily guess – or smell – with some; the previous night's debauch lingering through the class. And that paper extension that was asked for? Not always due to excessive drinking like some would assume, but a sister in ICU or an unexpected double shift at work to make rent. His intensive listening and interest made him privy to these things. And as warm and fuzzy I can wax about Alan, the man pulled no punches. If you handed in C+ work, he give you a C+ (please refer to my last class with Alan on record).



This man expected quality after all. He gave us the tools, directed us to a door only we could open, and most importantly, believed we could walk through. Alan has the unique talent of blending the class he's teaching with the real world issues we are facing. His rather unorthodox methods of getting results are rather notorious among us. Take a peek into class where a group of 15 deathly silent college students being guided through deep breathing therapeutic techniques before a writing exercise.

That would be Alan.

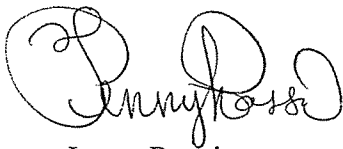
In one instance, I clearly remember Alan getting us out of our seats, gathering the class like chicks to herd out of class to a grassy field by the college, and ask if we'd ever seen LSC this way, from this exact spot. He would quiet us all and we'd share absolute silence and know the fundamentals of Emerson, Thoreau, Easley. For an hour or so, I could ignore the bills, the papers due, the frustration of balancing work, school, commuting, on and on, and trade it for the disarmingly simple, yet sinuous arc of literature and discussion that would lift us above those cares, for a few blessed moments in class.

Alan also has the quick wit to parry with a range of students; he does not throw out challenges and then retreat. He will stand face to face with his students. This man makes time for us. Believes. This is one of the most powerful tools he has. And while I would rail against "that nature crap" in class (I had a rather unique relationship with that strain of literature), I thrived and needed to answer challenges, yet give them out myself.

In conclusion, Alan is a fixture in the hearts of his students and Lyndon State. I am honored to have had him as a professor and friend. From my first paper to my latest chapbook of poetry, I have relied on his professional writing experience and advice. His practical approach has guided me from deciphering publication agreements and speaking at readings. His friendship has guided me through the uncertain waters every creative writer must weather.

I urge you to elect Alan Boye to Emeritus status, to give future students the incredible opportunity I have had, to not deprive Lyndon State College of one of it's defining professors.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jenny Rossi". The signature is written in black ink and is positioned above the printed name.

Jenny Rossi

To whom it may concern:

With love, gratitude, and no surprise, I enthusiastically recommend Professor Alan Boye for emeritus status at Lyndon State College.

I met Alan in early 1993, fresh into my second semester at LSC. Wielding mediocre script-writing talents and even less impressive production skills, I had switched my major from radio to English. Alan was my new advisor. I was nervous. He knew it.

“Hi,” he said through a big beard, while seated in his office. “I’m Alan. So, tell me, what do you want to do when you grow up?”

“I want to write humor,” I said.

“Uh-huh.” Pregnant pause. “So,” he said. “What do you want to do when you grow up?”

The moment didn’t feel condescending or sarcastic. I felt like he was on my side. He was, and still is. I am 16 years into a career as a journalist, humor columnist, and author (of humor), and while I might do the work, the work would not exist without the foundation Alan Boye built. He mastered writing long ago, but he was also a master of the classroom. Engaging, informative, and helpful, he quickly recognized his students’ individual talents, tapped into them, and helped many people start successful careers after LSC. To Alan, everyone is unique, and no one is worthless.

That said, I am, indeed, not surprised that LSC considers Professor Alan Boye for emeritus status. I am eager to see his portrait hang in emeritus hall, near the LSC library. Thank you.

Sincerely,



Leon Thompson, LSC '96

November 22, 2011

From: Gillian Guest Remick ('01)  
27 Ewing Street  
Montpelier, VT 05602

To Whom It May Concern:

It is my honor to write the following letter of support for the nomination of Alan Boye for Emeritus status at Lyndon State College. While I consider my time at Lyndon to be filled with positive interactions and opportunities, my memories and appreciation of Alan Boye are what come to mind first.

I have had the opportunity since I graduated in 2001 to come back to Lyndon several times to profess my appreciation for the college, my experience, and most of all my professors. I served on the Lyndon State College Foundation for several years. Every summer I speak before the incoming freshman at SOAR, as well as host a table at the Dinner with the Boss event with students pursuing career paths similar to my own. I also recently spoke to students about public relations in a class taught by Cathy Deleo.

In each instance, I tell students about the ability of the professors in the Lyndon English department to not only bring the classics to life, but also to provide true guidance, support and friendship in helping all of us reach our full potential. In each of these cases, I cite Alan's dedication to landing me an internship at the Times Argus newspaper, which led to a job offer and career, and which provided the foundation for my current work as the Communications Director for the Vermont Department of Education.

If not for Alan's dedication to our individual success, and without his passion for writing and storytelling, I do not believe I would be where I am today. His lessons on writing were woven with lessons in history, the Classics, civic responsibility and relevance, and true-life examples of the possibilities that awaited if we pursued our quest to "be writers." He made writing a tangible, if not always cooperative being, that we could wrestle with, we could mold, we could exploit, we could devour, we could create, we could lose, we could win. He wasn't afraid to talk about failure, or money, or the pitfalls of being a writer. But he also truly believed in us.

Over the years I have run into him at least annually, usually at Lyndon events, and his enthusiasm, support and dedication to my success has only increased. I take pride in my accomplishments as a person who writes and communicates happily for a living, and he can share in that accomplishment and the accomplishments of countless other students who were fortunate enough to learn from him.

Please do not hesitate to contact me if I can be of further assistance.

Sincerely,



Gillian Guest Remick (Class of 2001)  
27 Ewing Street  
Montpelier, VT 05602  
[Jill.remick@state.vt.us](mailto:Jill.remick@state.vt.us) (802) 279-4201

To Whom It May Concern:

Please consider this testimonial my enthusiastic recommendation for awarding Alan Boye emeritus status as a retired professor at Lyndon State College. As a former student, I have found Alan's influence and friendship are great joys and very real forces in my life.

When I matriculated to Lyndon in the Fall Semester of 2008, I was weighted with heavy doubt. At 24 years of age, I had already failed out of college and was uncertain if trying to fix that mistake was the right choice, worried I had not the wits to attempt that challenge again. Little did I know, trudging into the first class I'd attended in two and a half years, that the man I was about to listen to, Alan Boye, would show me I was.

Alan brought me back to his office after a few classes, having had time to read a few of my words and listen to my discourse in the classroom, and bluntly asked what I wanted to do with my life. Having felt like I had failed at so much for so long, I was uncertain how to respond, whether with the fat lie of wanting to be a mass-published author and inheriting the grandeur, fame, and wealth that comes with such an office, or to simply state the pathetic truth: all I wanted was a small farm, uninterrupted silence to think, and a simple life in which to read and write extensively for the sake of knowledge.

Thinking back now, Alan must have sensed my struggle when I let slip the truth and, assuring me that there was nothing wrong, told me I could have exactly that, having the talent and ability to write and think critically.

It is apparent that we have come to a time where vocational training is valued more than an academic education, and Alan helped me see that I should have all the confidence in choosing the latter should I choose. I did. As a professor, a mentor, an artist, and a human being, Alan exemplifies that classical education and inspires passion in learning for learning's sake; empathy for and not control over the world in which we live; and love of friendship and understanding of all types of people.

In all the classes I attended with Alan during my time at Lyndon, ranging from seminars on Bob Dylan and Henry David Thoreau to lectures on Media Law and public speaking, I excelled and learned to trust the academic in myself that I had doubted for so long. Whether challenging the transcendental artists or taking note of the laws and customs that govern our way of life, I became aware of a larger world which supplanted the petty fears I had been harboring for so long. And though I don't have everything I told him I wanted all those years ago, I have yet to give up on living a good and thoughtful life.

As you can see Alan has touched my life, both academically and personally. He is entirely deserving of Emeritus distinction and I implore you to grant it.

Sincerely,

A handwritten signature in black ink that reads "Steven M. Cormier". The signature is written in a cursive style with a large, prominent "S" at the beginning and a long, sweeping underline that extends across the name.

Steven M. Cormier

VERMONT STATE COLLEGES

BOARD OF TRUSTEES

RESOLUTION

Emeritus Status for Professor Alan Boye

WHEREAS, Professor Alan Boye retired from Lyndon State College in 2009; and

WHEREAS, Professor Alan Boye provided distinguished and outstanding service to his students, to Lyndon State College, to the larger Lyndon community, and to the Vermont State Colleges for 22 years; and

WHEREAS, Professor Alan Boye has earned the highest respect from the Lyndon State College community, is held in the highest regard by students and colleagues, and continues to contribute to the life of the College after retirement; and

WHEREAS, Professor Alan Boye meets the criteria established by the Board of Trustees for Emeritus Status; therefore, be it

RESOLVED, That the VSC Board of Trustees grants the title of Professor of Humanities Emeritus to Alan Boye as of this date, October 30, 2014.

October 30, 2014