

## Sexual Misconduct and Harassment:

### Policy and Procedures

#### *Policy Statement*

Sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual exploitation, domestic violence, dating violence, and stalking are prohibited, and will not be tolerated by any program of the School for International Training (SIT), including SIT Graduate Institute, SIT Study Abroad, and the International Honors Program. Any act or attempted act that falls within the definition of sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual exploitation, domestic violence, dating violence, or stalking is a violation of SIT policy. Disciplinary sanctions for any member of the SIT community engaging in such conduct may include suspension or dismissal from SIT, termination of employment and referral for criminal investigation and prosecution by local law enforcement. Victims of any such conduct are encouraged to contact the director of counseling and disability services for confidential support and assistance (services are available to all regardless of gender identity and expression or sexual orientation). All other SIT staff and faculty are required to report such conduct to SIT's Title IX coordinator. Victims of sexual harassment, nonconsensual sexual contact, nonconsensual sexual intercourse, sexual exploitation, domestic violence, dating violence, or stalking are also encouraged to notify SIT's Title IX coordinator immediately.

#### *Reason for the Policy*

SIT is committed to creating and maintaining a community in which its members are free from all forms of harassment, exploitation, intimidation, and violence. SIT recognizes the long-lasting and detrimental effects of sexual misconduct and assault on the individual victim, on the entire community, and on SIT's mission to prepare its students to lead productive, responsible, and creative lives.

#### *Applicability of the Policy*

This policy applies to all members of the SIT community.

#### *Notice of Nondiscrimination*

SIT does not discriminate on the basis of race, color, ethnic or national origin, sex, sexual orientation, gender identity, religion, age, ancestry, disability, military status, veteran status, or other non-merit reasons, in admissions, educational programs, or activities and employment, and complies with all applicable federal and state laws regarding nondiscrimination and affirmative action, including Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973, and Title VII of the Civil Rights Act of 1964.

Title IX of the Education Amendments of 1972 is a federal law that specifically prohibits sex discrimination in education. Sex discrimination includes sexual harassment and sexual assault.

#### *Title IX Coordinator*

The assistant dean of students for Campus Life is the designated Title IX coordinator for SIT, and is responsible for coordinating SIT's efforts to comply with and carry out its responsibilities under Title IX. The Title IX coordinator's core responsibilities include overseeing SIT'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 meet with students, employees, or third parties regarding Title IX-related issues, such as issues related to SIT'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. The contact information for the SIT Title IX coordinator is:

Stephen Sweet, Assistant Dean of Students for Campus Life

Student Center, Room 204  
1 Kipling Road, PO Box 676  
Brattleboro, VT 05302  
802 258-3361  
stephen.sweet@sit.edu

Individuals experiencing harassment or discrimination also always have the right to file a formal grievance with government authorities:

*Office for Civil Rights Regional Office for Vermont:*

Office for Civil Rights, Boston Office  
U.S. Department of Education  
5 Post Office Square, 8th Floor  
Boston, MA 02109-3921  
Telephone: 617-289-0111; FAX: 617 289-0150; TDD: 800 877-8339  
Email: OCR.Boston@ed.gov

*Office for Civil Rights Regional Office for Washington, DC:*

Office for Civil Rights, Washington DC (Metro) Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1475  
Telephone: 202 453-6020, FAX: 202 453-6021; TDD: 800 877-8339  
Email: OCR.DC@ed.gov

In the event that an incident involves alleged misconduct by the Title IX Coordinator, reports should be made directly to the Dean of Students, Michael Smallis, at michael.smallis@sit.edu or 802 258-3570.

Definitions of Prohibited Acts

*Sexual Harassment:*

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, written (including electronic) communication of an intimidating, hostile, or offensive sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; or
2. submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or
3. such conduct has the effect of substantially interfering with an individual's academic or job performance or creating a hostile, intimidating, or offensive employment, educational, or living environment for the person as a student and/or employee.

A hostile environment is created when sexual harassment is:

- sufficiently severe; or
- persistent or pervasive, and objectively offensive.

Examples of conduct which may constitute sexual harassment include but are not limited to: conditioning a promotion, pay raise, or course grade upon the receipt of sexual favors; unwelcome hugging, kissing, embracing, patting, pinching, or any other unwelcome touching; leering; persistent unwelcome social invitations; use of vulgar language of a sexual nature; graphic comments about a person's body; displaying sexually explicit pictures or other materials; making sexually suggestive comments or telling sexually suggestive or "dirty" jokes or stories; asking an

employee or student questions about his or her sex life; and/or continuing to engage in any such behavior if it is known or should be known that the behavior is unwelcome.

#### *Nonconsensual Sexual Contact*

Nonconsensual sexual contact is defined as any intentional sexual touching, however slight, with any body part or object by a person upon another person that is without consent and/or by force.

Examples of sexual contact include, but are not limited to: intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or any other intentional bodily contact in a sexual manner.

#### *Nonconsensual Sexual Intercourse*

Nonconsensual sexual intercourse is defined as any sexual intercourse, however slight, with any body part or object, by a person upon another person that is without consent and/or by force.

Examples of sexual intercourse include, but are not limited to: vaginal or anal penetration by a penis, finger, tongue, or object, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

#### *Sexual Exploitation*

Sexual Exploitation occurs when one person takes nonconsensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to: invasion of sexual privacy; prostituting another person; nonconsensual digital, video, or audio recording of nudity or sexual activity; unauthorized sharing or distribution of digital, video, or audio recording of nudity or sexual activity; engaging in voyeurism; going beyond the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex); knowingly exposing someone to or transmitting an STI, STD, or HIV to another person; intentionally or recklessly exposing one's genitals in nonconsensual circumstances; or inducing another to expose their genitals.

#### *Domestic Violence*

Domestic violence may include violent acts by a current or former spouse; by a person with whom the victim shares a child in common; by a person who is or has cohabitated with the victim as a spouse; by a person similarly situated to a spouse; between a parent and child; between members of the same household in an intimate relationship; or by any other person similarly situated. Domestic violence can be physical, sexual, emotional, or economic in nature.

#### *Dating Violence*

Dating violence can be violence or abusive behavior used by one partner to gain or maintain control over another partner. It can be violence committed by a person who is or has been in a social, romantic, or intimate relationship with the victim. The existence of such a relationship will be determined by factors such as the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved.

#### *Stalking*

Stalking is a series of unwanted or obsessive attention, behaviors, or actions toward a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or to suffer substantial emotional distress. Stalking may involve following, lying in wait for, or harassing a person by demonstrating a pattern of conduct composed of two or more acts evidencing a continuity of purpose. Stalking may include the monitoring of an individual online or involve the use of social media, email, or other technology. It may also include unwanted observation or surveillance.

#### *General Definitions*

Consent: Consent is defined as willingly giving permission or agreement to a particular sexual activity or behavior,

without coercion, fear, or threat of harm, or other unwanted consequences. Consent is an informed, voluntary agreement to participate in a specific act. Consent is communicated either by words or clear, unambiguous actions that are not achieved through manipulation, intimidation, fear or other acts that a reasonable person would construe as coercion. Consent cannot be given by one who is mentally or physically incapable of giving clear consent at the time of the sexual activity. It is the responsibility of any person who wants to engage in a sexual activity with another person to ensure that they have the affirmative, expressed, and unequivocal consent of that other person to engage in the particular sexual activity. Silence, lack of protest or lack of resistance does not mean consent. The existence of a dating relationship between the persons involved or the fact of a past sexual relationship is not a sufficient basis to assume consent. Consent is present only where an individual is fully conscious, and is not incapacitated due to physical challenge and/or helplessness, or incapacitation due to alcohol or other substances.

**Complainant:** The complainant is a person who alleges that they are the victim of a violation of SIT policy.

**Respondent:** The respondent is a person who has been accused of an alleged violation of SIT policy.

#### Safe Bystander Interventions

Observers of a sexual assault or other types of gender- or intimate partner–based misconduct, such as domestic violence, dating violence, or stalking, may be able to help the victim. However, it is important that you do so in a positive manner and in a way that keeps you and the victim safe. Appropriate interventions will depend on the situation. Safe and appropriate options for bystanders may include calling the police to report violent or potentially violent situations, intervening if you believe someone is in a potentially uncomfortable or unsafe situation, and/or encouraging the target of such conduct to report the incident and seek support.

#### Retaliation

SIT prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports. Any attempt by a member of the SIT community to intimidate, penalize, or threaten a person who reports or who is otherwise involved or cooperating in, a report of discrimination, misconduct, or harassment is strictly prohibited. Any person found to have participated in an act of retaliation will be disciplined accordingly.

#### Procedures

SIT's greatest concern is for the safety and physical and mental health of all its students, faculty, staff, and guests. SIT is committed to maintaining a welcoming and supportive educational climate. Therefore, the following procedures are available to all students, staff, and faculty who feel they have experienced or witnessed gender-based misconduct, including sexual harassment and gender discrimination as discussed above.

SIT will promptly and equitably respond to all reported incidents of sexual misconduct. It may be necessary to adjust, on a case-by-case basis, the procedures and time frames discussed in this section due to the nature and complexity of the issues, the parties involved, and SIT's academic calendar. All parties involved will be notified of any procedural or time frame adjustments.

#### Reporting Misconduct

All members of the SIT community who experience, witness, or hear about an incident of sexual misconduct, including sexual harassment and sexual assault, are encouraged to immediately contact SIT's Title IX coordinator.

In an emergency, please call 911 or contact local law enforcement in the case of overseas programs. There is no time limit on how long after an incident you can make a report of misconduct; however, SIT's ability to respond to a report may be hindered by the length of time between the alleged misconduct and the report itself.

Once SIT is informed of alleged misconduct, the Title IX coordinator or their designee will notify the complainant and any respondents of their rights pursuant to Title IX. The Title IX coordinator will help the parties involved navigate the formal complaint process and access appropriate medical, mental health, or academic services; discuss possible interim

arrangements during the investigation and adjudication processes; explain individual rights; and answer questions along the way.

SIT is obligated under Title IX to investigate and resolve all complaints thoroughly, impartially, and promptly, whether made formally or informally. The Title IX coordinator or their designee will therefore respond to every report of alleged sexual misconduct or harassment, facilitate the implementation of measures to stop the behavior, and take steps to prevent its recurrence.

While not required, any person who believes they have been a victim of sexual harassment, sexual misconduct, sexual assault, domestic violence, dating violence, or stalking is strongly encouraged to report the incident to local law enforcement. In certain circumstances, depending on the type of conduct alleged and the parties involved, SIT may be independently obligated to contact the police.

#### Confidential Reporting

At SIT, the director of Counseling and Disability Services is a licensed mental health counselor who respects and protects confidential communications with clients. A person may report an incident of sexual harassment, sexual misconduct, sexual assault, domestic violence, dating violence, or stalking to the director of Counseling and Disability Services with the understanding that SIT will not take any action based on the report. Please be aware that all counselors have the responsibility to disclose otherwise confidential 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.

All other SIT faculty and staff members who are informed or otherwise made aware of possible sexual harassment, sexual misconduct, sexual assault, domestic violence, dating violence, or stalking must report the incident to the Title IX coordinator.

If a complainant reports an incident but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, SIT must weigh that request against its obligation to provide a safe, nondiscriminatory environment for all students, faculty, and staff. The Title IX coordinator will in most cases determine whether SIT needs to perform an investigation and/or take some other action in cases where a complainant would prefer complete confidentiality. If for some reason the Title IX coordinator is not able or is not the appropriate person to make such a determination, the determination will be made by the dean of students or another appropriate person designated by the president.

If an individual who makes a report insists that his or her name or other identifiable information not be revealed, and SIT is able to respect that request, the individual must understand that SIT will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator.

Upon receipt of a report, the Title IX Coordinator and those assisting with an investigation and those participating in any disciplinary proceedings, will make all reasonable efforts to maintain confidentiality and respect the privacy of those involved. SIT understands that reports of this nature can be difficult, emotional and stressful. Therefore, SIT will only share information as is needed to conduct a prompt, thorough and effective investigation. All members of the SIT community should understand that even if the complainant asks that SIT not to pursue an investigation, or decides to attempt to resolve the situation informally, SIT may still investigate the allegations and address the conduct as may be warranted under the circumstances.

#### Reporting Resources

*Emergency in Any Location in the US*

911

*Confidential SIT Resources:*

Jane Buckingham, Director of Counseling and Disability Services 802 258-3367 jane.buckingham@sit.edu

*Respectful (Not Confidential) SIT Resources:*

Resident Advisors

Academic Directors

Academic Advisors

Michael Smallis, Dean of Students 802 258-3570 michael.smallis@sit.edu

Assistant Dean of Students for International Programs 802 258-3562 jennifer.core@sit.edu

Rachel Henry, Vice President, Global Human Resources 802 258-3115 rachel.henry@worldlearning.org

*Off-Campus Community Resources, Washington, DC:*

DC Rape Crisis Center 202 333-7273

District of Columbia Police Department 911

*Off-Campus Community Resources, Vermont:*

Women's Freedom Center, **24-Hour Hotline 802 254-6954** advocates@womensfreedomcenter.net

Business Line: 802 257-7364

Windham County Victim Advocate 802 579-1358

Brattleboro Memorial Hospital Emergency Room 802 257-8222

Brattleboro Health Center (Planned Parenthood) 802 258-3905

Windham County Sheriff 802 365-4942

Vermont State Police 802 254-2382

*Off Campus SIT Study Abroad and International Honors Program Resources:*

Each program of SIT Study Abroad or the International Honors Program will provide specific information about local/community resources accessible in the specific program location.

**Investigation**

After the receipt of a report of discrimination, harassment (including sexual harassment), or sexual misconduct, the Title IX coordinator or designee will speak with the complainant to gather as much information as possible. The Title IX coordinator or designee will also speak with any witnesses or individuals who may have information about the alleged misconduct.

If after this initial fact-finding phase SIT determines that a violation of SIT policy may have occurred, it will proceed with a full investigation. The complainant and the respondent will be notified that an investigation is underway and will be afforded the opportunity to speak independently with the Title IX coordinator or designee to review this procedure and to have his/her rights explained. The Title IX coordinator or designee will also speak with the respondent to listen to his or her side of the story and to gather any evidence he or she may offer to better understand the nature of the alleged misconduct. The complainant and the respondent will have the opportunity to submit names of individuals with knowledge of the situation and SIT will follow up with those individuals. The Title IX coordinator or the designee will counsel the complainant and the respondent on academic and other emotional supports available.

During an investigation, the Title IX coordinator or designee may ask for written statements and other documents or evidence that may aid in the investigation. Therefore, it is important to preserve all evidence associated with the conduct or that you think might help others understand what happened. Such evidence can include, but is not limited to, text messages, Facebook or Instagram posts, photos, voicemails, emails, or items of clothing.

Depending on the type of conduct and the parties involved, SIT may contact local law enforcement. SIT will continue its own investigation into the alleged conduct, regardless of whether the police decide to pursue their own investigation. SIT will cooperate with all police investigations and will honor and enforce any judicial no-contact, restraining, or protective orders the parties may obtain outside the SIT process.

During the investigation process, interim measures will be discussed with the parties and implemented as may be appropriate. Interim measures may include changes in class schedules, housing arrangements, work arrangements, no-contact orders, or interim suspensions. All efforts will be made to minimize the impact that these interim measures have on the complainant.

In some cases mediation may be appropriate. Mediation is a process in which SIT can arrange for the complainant and the respondent to meet to see if they can resolve the situation with the assistance of a third party mediator who will attempt to help guide the respondent and the complainant to a mutually acceptable outcome. The mediator will likely be an administrator and will be assigned by SIT. Mediation is completely voluntary and will only be pursued with the consent of both the complainant and the respondent. At any time during the mediation process the complainant or the respondent may stop the mediation. In cases involving a potential sexual assault or other forms of sexual violence or intimidation, however, mediation is not an appropriate option.

Both the complainant and the respondent will be updated throughout the investigation process. Typically, an investigation will take 60 days, but that may vary depending on the nature and complexity of a case. At the close of an investigation, the Title IX coordinator or the designee will prepare a brief report detailing the essential content of interviews and the pertinent evidence gathered. Both parties will be provided copies of that report.

#### Adjudication Process for Cases Involving Student Respondents

Alleged violations of SIT's Sexual Harassment and Misconduct Policy involving a student respondent will be adjudicated in accordance with the Student Conduct Process section of this handbook.

#### Adjudication Process for Cases Involving Employee Respondents

Alleged violations of SIT's Sexual Harassment and Misconduct Policy involving an employee respondent will be adjudicated by Human Resources in accordance with their applicable procedures.

#### Dual Relationships

Employees and students should be aware of conflicts of interest that are inherent in personal relationships where professional and educational careers are also involved, as well as potential abuses of authority. This is especially true of amorous or sexual relationships between faculty and students or between administrators and students, given the inherently unequal structure of power between them within colleges.

It is the policy of SIT that faculty and administrators are not permitted to engage in consensual sexual relationships with students of SIT. Should a charge of sexual harassment arise from such a relationship, the burden and cost of providing a defense falls on the faculty member or administrator. Members of the SIT community should know that, in such instances, defenses are extraordinarily difficult to prove.