



OFFICE OF EQUAL OPPORTUNITY

# SEXUAL MISCONDUCT REPORT

2022-2023 ACADEMIC YEAR



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UVM Policy prohibits Sexual Assault, Relationship Violence, Gender-based Stalking, Sexual Exploitation, and Sexual Harassment, and has a standard of affirmative consent. UVM Policy also prohibits retaliation against those who've made a good faith report of prohibited conduct, and those who participate or decline to participate in any University resolution process.

[Discrimination, Harassment, and Sexual Misconduct Policy \(PDF\)](#)

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All information contained in this report is exclusive to the University of Vermont.

The publication date of this report is December 12, 2023.

# OUR COMMITMENT TO TRANSPARENCY

Dear Campus Community,

*Vivian*

*Emily McArthur*



# MEET THE OFFICE OF EQUAL OPPORTUNITY

The Office of Equal Opportunity is responsible for responding to reports of discrimination and harassment, including sexual misconduct, involving UVM community members. Staff members with the Office of Equal Opportunity are available to facilitate support measures for UVM community members who report concerns, regardless of whether they choose to pursue a resolution process.

The Office of Equal Opportunity is located on the University of Vermont campus in the Waterman Building, Suite 428, 85 South Prospect Street in Burlington, Vermont. The Office is open during regular business hours, Monday-Friday, 8:30 AM – 4:30 PM. We encourage you to learn more about the services the Office of Equal Opportunity offers by visiting the home page: <https://uvm.edu/Equal-Opportunity>

The Office of Equal Opportunity accepts reports in a variety of ways:

- Online reporting form, available at [www.uvm.edu/report](http://www.uvm.edu/report)

# POLICY STATEMENT

## DISCRIMINATION, HARASSMENT & SEXUAL MISCONDUCT POLICY

The University of Vermont seeks to maintain a safe learning, living, and working environment. To that end, the University strictly prohibits discrimination against, and harassment of, its students, employees, and affiliates on the basis of an individual's membership in a legally protected category as defined in the [Equal Opportunity in Educational Programs and Activities](#) and [Equal Employment Opportunity/Affirmative Action](#) Policies. Furthermore, the University strictly prohibits retaliation.

Individuals are strongly encouraged to disclose incidents of discrimination and harassment to the University's Office of Equal Opportunity, and to University Police Services, as appropriate. The length of time between an incident and making a disclosure will not affect the willingness of the University to offer resolution options or to provide support and other services. However, prompt disclosure, and the preservation of evidence, may enhance the efficacy of resulting investigative efforts.

The University seeks to remove any barriers to an individual or group in making a disclosure. The University recognizes that individuals who experience incidents of discrimination or harassment, in some circumstances, may be reluctant to disclose such conduct to the University because they fear disciplinary action for alcohol and drug offenses, such as underage drinking or drug use, at the time of the incident. Accordingly, if the University learns of personal consumption of alcohol or drugs via a disclosure, formal complaint, investigation of a complaint, or alternative resolution process, the University will not use this information against the complainant or any witness in a disciplinary process unless the conduct placed the health or safety of any other person at risk. For example, this provision will not protect from disciplinary action an individual who knowingly serves alcohol or administers drugs to another person in order to facilitate conduct prohibited by this Policy.

Campus community members found to be in violation of the Discrimination, Harassment and Sexual Misconduct Policy will be subject to disciplinary action, up to and including termination of employment, suspension, or dismissal from the University, and/or referral for criminal investigation and prosecution under applicable law.

The University of Vermont is committed to creating and maintaining a comg0 G[(in)570 G[(in)5tIF3 11.1 153.14 04 Tf1 0 C

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## POLICY DEFINITIONS AND TERMS

Gender-Based Stalking: Engaging in a course of conduct directed at a specific person based on their gender, sexual orientation, gender identity, and/or gender expression that would cause a reasonable

- Disseminating, streaming, or posting images or video of private sexual activity and/or a person's intimate parts (including breasts, buttocks, groin, or genitals) without consent;
- Compelling a person through force, fraud, or coercion to engage in a commercial sexual act (e.g. prostitution);
- Possession of sexual materials that are illegal under federal or state law;
- Knowingly exposing another person to a sexually transmitted infection or virus without the other individual's knowledge;
- Incest as defined by Vermont Law; or
- Luring a child under 16, or a person believed to be under 16, by any means, including in-person, over the phone, or through electronic communication, to engage in a sexual act or touch the intimate part of the person or child whether clothed or unclothed. This does NOT apply if an actor is younger than 19 and the child is at least 15 and the contact is consensual.

Sexual Harassment: A type of Harassment, as defined above, characterized by unwelcome sexual advances, requests for sexual favors, and other unwanted verbal, written, visual, or physical conduct of a sexual nature.

Harassment:





Facilitation: An act taken with tha

## REPORTING, SUPPORT, AND RESOLUTION

**Reporter:** The person who submitted the report to the Office of Equal Opportunity. The Reporter may be a person who is designated as a UVM Reporter, or may be a friend, family member, witness, or the Complainant themselves.

**Complainant:** The person who experienced the alleged misconduct.

**Respondent:** The person accused of committing the alleged misconduct.

**Reporting:** To file a report with the Office of Equal Opportunity, you can email [TitleIX@uvm.edu](mailto:TitleIX@uvm.edu) or fill out a [Bias, Discrimination & Harassment Incident Reporting Form](#). Should you choose to report in person or via telephone, the Office of Equal Opportunity is located in Waterman 428 and the phone number is (802) 656-3368.

**Outreach:** When the Office of Equal Opportunity receives a disclosure that a member of the University community (student, staff, faculty, or other affiliate) has experienced sexual harassment or misconduct, a Support Coordinator with the Office of Equal Opportunity will contact the Complainant to offer to meet. The Support Coordinator shares information about support resources and options for resolution, both at UVM and in the greater community.

**Support Measures:** Complainants can receive support measures regardless of whether they choose to participate in a resolution process through the Office of Equal Opportunity. Support measures are also available to Respondents. The Support Coordinators will work with each individual to determine their specific needs. Examples of support measures can include connecting individuals with counseling, engaging in safety planning, including implementing No Contact Orders, changing on-campus housing, and requesting academic or work schedule flexibility.

**Investigative Resolution Process:** Complainants have the option of participating in an investigatory resolution if the alleged sexual harassment or misconduct was committed by a member of the UVM community.

A step-by-step description of the investigation process is available [here](#). The process most often begins with an interview with the Complainant. After the interview, the Title IX Coordinator will evaluate whether there is jurisdiction to offer an investigatory resolution. In other words, the Title IX Coordinator must determine that the conduct alleged is covered by the Discrimination, Harassment and Sexual Misconduct Policy. If jurisdiction is found, an investigator will then interview witnesses, collect evidence, etc. Depending on whether the reported conduct constitutes a "Title IX Offense"<sup>3</sup>, either (1) the investigator will write a report and make a determination as to whether there is sufficient evidence to conclude UVM policy was violated or (2) the investigator will provide all information collected to a hearing officer who will hold a hearing and make a determination as to whether there is sufficient evidence to conclude UVM policy was violated. These determinations (1 and 2) are made using a preponderance of the evidence standard.

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<sup>3</sup> Title IX offenses include s

Alternative Resolution Process: In many situations, members of the UVM community may be eligible to pursue a restorative resolution as an alternative to investigatory resolution – this is referred to as an

# SUMMARY OF SEXUAL MISCONDUCT DISCLOSURES 2022-2023<sup>4</sup>

In the 2022-2023 year (July 1, 2022- June 30, 2023), the Office of Equal Opportunity received 207 total disclosures of sexual harassment or misconduct. Seventy-five of those disclosures involved an allegation regarding conduct by a named UVM affiliate. The other disclosures either did not name the person accused or the person was not affiliated with UVM.

Whenever the Office of Equal Opportunity receives a disclosure that identifies a UVM affiliate as having experienced sexual harassment or misconduct, a staff member, typically a Support Coordinator, contacts the Complainant to offer to meet and to provide information about support measures, resources, and resolution options. In the 2022-2023 year, 205 of 207 complainants were affiliated with UVM (student, staff, or faculty)<sup>5</sup> and the Office of Equal Opportunity was provided with the names of 200 of those 205 complainants. Staff in the Office of Equal Opportunity sent information about support measures, resources, and resolution options to 100% of identified complainants.

From July 1, 2022-June 30, 2023, 109 Complainants replied to outreach. The current response rate to outreach is 54.5%. The Office of Equal Opportunity is working to improve the response rate<sup>6</sup> by:

- sending more personalized outreach
- improving the aesthetic of the outreach materials
- following-up with both an email and a text message

The Support Coordinator and other UVM personnel provided individualized support measures at the request of seventy-nine students, staff and faculty, related to their disclosure of sexual harassment or misconduct. This means that, of those who responded to outreach, 72.5% took advantage of individualized support measures. Support measures often include safety planning, no-contact orders, requests for academic or work flexibility, and changes in on-campus living situations.

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<sup>4</sup> Based on the reports made to the Office of Equal Opportunity between July 1, 2022, and June 30, 2023. This does NOT mean that the conduct occurred during this timeframe—



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## INFLUENCE OF DRUGS AND ALCOHOL:

Because UVM respects the autonomy of Complainants, they have the discretion to disclose as much or little information as they choose.<sup>7</sup> The information about drugs and alcohol being involved in a matter reported to the Office of Equal Opportunity is only compiled when it is specifically included in a disclosure or revealed during a resolution process. From July 1, 2022, through June 30, 2023, there were 33 reports which disclosed use of drugs and/or alcohol by one or multiple parties in an incident.

UVM policy provides amnesty for personal alcohol or drug use, so that parties and witnesses are free to share information without fear of policy violations relating to substance use.

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## CORRELATION TO STUDENT ORGANIZATION AFFILIATION:

Because UVM respects the autonomy of Complainants, they have the discretion to disclose as much or little information as they choose.<sup>8</sup> The information about a Complainant, Respondent, or location of an incident being connected to a student organization in a matter reported to the Office of Equal Opportunity is only compiled when it is specifically included in a disclosure or revealed during a resolution process. From July 1, 2022, through June 30, 2023, there were fewer than 5 disclosures that involved an organization recognized as part of Fraternity and Sorority Life and UVM Athletics combined, and seven disclosures that involved other recognized student groups.

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## RESOLUTION DATA:

Between July 1, 2022, and June 30, 2023, the Office received 207 disclosures related to sexual harassment and misconduct; however in only seventy-five of those cases the person accused was reported to be a named UVM student, staff or faculty member. The Office of Equal Opportunity cannot engage in a resolution process unless a respondent has been named and the conduct alleged is covered by the Discrimination, Harassment and Sexual Misconduct Policy. Further, absent other factors, the Office of Equal Opportunity will only proceed with a resolution process when a Complainant requests either an investigation or an alternative resolution.

Due to all of these factors, from July 1, 2022, through June 30, 2023, the Office of Equal Opportunity facilitated seven resolution processes. Four were investigatory resolutions, and UVM found the person accused (Respondent) violated UVM Policy in three of those cases. Appropriate disciplinary action was taken in those three cases. In an additional three cases, both parties voluntarily elected to proceed with and successfully completed an Alternative Resolution, which is a restorative process that seeks to repair the harm done through the use of education, skill-building, and reflection.

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<sup>7</sup> Unless they participate in an interview, which is only required if a Complainant requests that UVM proceed with either an investigative or alternative resolution process.

<sup>8</sup> Unless they participate in an interview, which is only required if a Complainant requests that UVM proceed with either an investigative or alternative resolution process.

## EDUCATION AND PREVENTION INITIATIVES

- In February 2022, UVM hired Dr. Elliot Ruggles to serve as its inaugural Sexual Violence Education & Prevention Coordinator
- In August of 2023, UVM hired Dr. Jennifer Demers as a Clinical Assistant Professor of Sexual Violence Prevention in the College of Nursing and Health Sciences
- In fall 2023, UVM hired Evan Cuttitta as Coordinator of the Men and Masculinities Program within the Women and Gender Equity Center (WAGE)
- Annual online training for all incoming First Year students
- Annual in-person training for all incoming First Year students during orientation
- Annual online training for all faculty and staff

New programs for the 2023-24 academic year include:

- Research-informed peer education in collaboration with the College of Nursing and Health Sciences
- Implementation of trainings for best practices in “first response” to sexual violence disclosures in collaboration with the UVM Clinical Simulation Laboratory
- Request for Proposals (RFP) for continuation and enhancement of campuswide online sexual violence prevention education
- Science-based Treatment, Accountability and Risk Reduction for Sexual Assault (STARRSA) “respondent education” training program to be implemented as possible outcome for students found responsible for engaging in sexual misconduct or as an alternative resolution term option
- “Foundational RJ Training for Campus Sexual Harm (Title IX)” for Office of Equal Opportunity



# ANNUAL SECURITY VS. SEXUAL MISCONDUCT REPORT DATA



# SUPPORT RESOURCES FOR FACULTY, STAFF, AND STUDENTS

Confidential On-Campus Support Services:

Sexual Violence Support & Advocacy:  
Living & Learning Room 215



