

EMPLOYEE RESPONSIBILITY WHEN YOU LEARN ABOUT CRIMES OR SEXUAL MISCONDUCT

Introduction

As an employee of Marlboro College, if you learn about a crime or incident of sexual misconduct perpetrated against any member of our community, you need to do three things:

1. Report the incident
2. Be a compassionate listener and supporter for the informant/victim
3. Offer resources for the victim

This memo provides a summary of information concerning each of these three responsibilities.

Reporting requirements

Campus response to crimes and sexual misconduct perpetrated against community members is controlled by a variety of acts and guidelines. Title IX, The Campus Safety and Accountability Act (Clery Act) both from the Department of Education, the Campus SaVE Act, of the Violence Against Women Act (VAWA) from the Department of Justice, as well as, guidelines from the White House Task Force to Protect Students From Sexual Assault (Not Alone), and the DOE's Office of Civil Rights "Dear Colleague Letter" of 2011.

As an employee, you are expected to:

- Adhere to the mandates
- Seek advice if you need it
- Provide information about something that may affect safety on campus
- Keep what you learn as private as possible by communicating with only those that need to know, such as the Title IX Coordinator.

Here is what you – as an employee of Marlboro College – need to know about reporting:

Title IX mandates that colleges endeavor to create a safe and non-hostile environment for every student. Title IX requires that the College **respond** to incidents of sexual harassment/misconduct to take appropriate steps to investigate and, as appropriate, end and remedy that harassment/misconduct, and training of the same.

The **Clery Act** mandates that accurate reporting of campus criminal activity must be posted annually on the Marlboro website. Clery requires the College to **report** criminal activity, and to provide training of the same.

For the purposes of Marlboro College, all staff (*exceptions are those protected by confidentiality: Total Health Center staff and the Survivor Advocate.*), faculty and some student leaders (RAs, trip leaders, peer advisors, summer program leaders) are considered to be subject to each/both of the following:

- Campus Security Authority [Clery Act]
- Responsible Employee [Title IX]

These designations mean that as an employee, you are obliged to report any of the following to the appropriate person in a timely fashion:

- If you learn about a criminal event that took place at Marlboro, whether or not community members were involved
- If you receive a report of the same - verbally or written
- If you learn about a crime through writing assignments or any other indirect mechanism

For any crimes that are sexual or otherwise discriminatory in nature (e.g. rape, fondling, incest, statutory rape, domestic or dating violence, stalking or hate crimes), make a report to the Title IX coordinator:

Jean Kiewel

Pager # (802) 742-4705

jkiewel@marlboro.edu

Title IX Coordinator, PO Box A, Marlboro, VT 05344

For any crimes that are non-sexual (murder, manslaughter, robbery, aggravated assault, burglary, motor vehicle theft, arson, illegal weapons possession, drug or liquor law violations), make a report to the Dean of Students:

Bob Perkins

Office # (802) 258-9238

deanofstudents@marlboro.edu

Dean of Students, PO Box A, Marlboro, VT 05344

You may make your initial report in writing by email, or via US mail, over the phone, or in person. Once you have conveyed the basic details (see list below) to the appropriate person, they will follow up with you to obtain additional details as needed, and to assist you with filling out the appropriate form. The Title IX Coordinator and Dean of Students collaborate closely; either can help you determine the appropriate mechanism for reporting a crime if you are not sure whether it is a Clery, Title IX violation or both (e.g. aggravated assault, possibly also a hate crime).

You must include the following information, *if you know it*:

- Names of involved parties including the person talking to you
- Date of event(s) and conversation with you
- Location where the event took place (Clery specifies needing to know if it occurred on college property.)

Once you make your report, the Title IX Coordinator and/or Dean of Students will take appropriate action as outlined in *our Policy and Procedures on Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking*, and/or our *Annual Security Report* to ensure community safety and compliance with federal regulations.

Be a compassionate listener and supporter of the victim/informant

You may feel some trepidation about having this conversation. The student has chosen to speak to you because they trust you in some way. Please do the best you can, using the following suggestions.

First, inform the student that you are not a confidential resource if what they are about to share is of a criminal nature. You might say: *"I'm sorry, but let me just say that I want to make sure you understand that*

I cannot guarantee that what you might tell me will be held as confidential, as I have responsibilities to report certain things. I can help you find a confidential resource if you prefer..."

If they would prefer to speak to someone in complete confidence, help them seek out a confidential resource (see #3 below).

If you proceed with the conversation, here are some tips to help you feel you are supporting the student:

- Endeavor to give power back to the person reporting to you. This might be as simple as asking first before sitting next to them, or asking if they want someone else to join the conversation.
- Reflect the language that the person uses. Check your own tendency to interpret the situation; resist asking questions to investigate further; listen without judgment.
- Ascertain if there is a continued threat to their sense of safety.
- Endeavor to instill trust in the institution's ability to respond and to provide support services. You represent the institution in this interaction.
- Be respectful of privacy to the best of your ability.
- Take care of yourself after you have helped the student. All the resources named below are willing to be of support to you as well.

Offer resources for the victim

Offer options that you know about—for example:

- Do you require medical help?
- Do you want me to call someone?
- Do you wish to speak with a counselor, the Women's Freedom Center or our Survivor Advocate?

Confidential resources for referral:

On-campus: Total Health Center Staff and Survivor Advocate

Off-campus: Women's Freedom Center Hotline: (802) 254-6954

VT Mental Health Services: (802) 254-0028

Rape, Abuse, Incest National Network: (800) 256-4673

No one expects you to handle this perfectly. Do the best you can, and do not hesitate to contact the Title IX Coordinator or Dean of Students to support your efforts. We will all work together to create a safer and more supportive environment for students on campus.