

Revised effective August 2021

CHANCELLOR'S PROCEDURES FOR IMPLEMENTATION OF
POLICY 311-A: SEXUAL HARASSMENT, SEXUAL EXPLOITATION, DOMESTIC

that may constitute a violation of Policy 31A 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 Institution, 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 an individual who has been reported to have engaged in conduct that could constitute Prohibited Conduct and whose alleged conduct is being investigated to determine if it is in violation of VSC’s policies.

“Responsible College Administrator” or “RCA” means (1) the President or Dean of Students from the Member Institution 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 VSC Director of Human Resources or a President allegedly violated Policy 31A; (4) the Chair of the Board of Trustees if the Chancellor allegedly violated Policy 31A; 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 Member Institution selected by the President, and the person at the Office of the Chancellor identified and authorized by the Chancellor, to serve as Title IX Coordinator for the purposes of coordinating the VSC’s efforts to comply with and carry out its responsibilities under Title IX as well as any designee of the Title IX Coordinator. For the purposes of Policy 31A, 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 Institution’s 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 of these Procedures.

“VSC” and “Member Institution ” refer collectively to the Vermont State Colleges and its individual member institutions: Castleton University, Community College of Vermont, Northern Vermont University and Vermont Technical College, however named or configured.

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supportive measures may include but are not limited to: the specific need expressed by the requesting individual; the age and position of the individuals involved; the severity or pervasiveness of the alleged conduct; any continuing effects of the alleged violation on the requesting individual; whether the individuals involved share the same residence hall, dining hall, classes, transportation or job location; and, whether any judicial measures, such as court orders, have been taken to protect the requesting individual.

The VSC will take reasonable steps to maintain as confidential any supportive measures provided, to the extent that maintaining such confidentiality does not impair the VSC's ability to provide the accommodations or protective measures.

Supportive measures may be offered as appropriate to the respondent, as well as to the complainant. Assessment of a party's need to receive a supportive measure will generally be made on an individualized basis, as appropriate based on the information gathered by the Title IX Coordinator. The measures needed by each party may change over time and the Title IX Coordinator will communicate with the parties to evaluate whether the measures provided are necessary and effective based on the parties' evolving needs.

The imposition of any of these measures does not indicate a presumption of guilt or 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 supportive 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, Emergency Removal and Administrative Leave

1. Interim Suspension of Students in Non-Title IX Sexual Misconduct Cases

In cases that fall within the definition of Non-Title IX Sexual Misconduct found in Policy 311-1, if the VSC has reasonable cause to believe that a student reported to have committed Non-Title IX Sexual Misconduct poses a substantial threat to themselves, the complainant, other people, property, or the continuance of normal VSC operations, the VSC may suspend the student for an interim period, pending the outcome of the disciplinary process. Careful consideration should be given to alternative supportive measures, such as changing class schedules, changing residence hall assignments, and issuing no contact ord

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identification of the student; and (2) whether the alleged conduct, if true, based on the

V. REPORTING SEXUAL MISCONDUCT , SEXUAL EXPLOITATION, DOMESTIC VIOLENCE, DATING VIOLENCE , SEXUAL ASSAULT, OR STALKING

(A) Report by Complainants or Others with Information

Any person (including students, employees, and third parties) who believes that they have been subjected to sexual harassment, sexual exploitation, domestic violence, dating violence, sexual assault, or stalking, or who has information about an alleged incident of such Prohibited Conduct may report the incident to the Title IX Coordinator, a designated contact person, 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 such Prohibited Conduct, as well as the investigation and adjudicatory process under this policy. Requests for accommodations in the Policy 311-process are determined on an individual basis by the Title IX Coordinator, in consultation with the ADA/Section 504 Coordinator as appropriate.

(B) Reporting Obligations of Employees

Except in circumstances where an employee is acting within the scope of his or her specifically-designated confidential resource, employees who are aware or have been made aware of an incident of sexual harassment, sexual exploitation, domestic violence, dating violence, sexual assault, or stalking are required to report this information to one of the following: the Title IX Coordinator, the Dean of Students, the President, if the employee works in the Office of the Chancellor, to the Director of Human Resources

Employees are not expected to and should not investigate alleged incidents, unless this is part of their job duties or they are assigned to investigate a complaint made under this policy. 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 harassment, sexual exploitation, domestic violence, dating violence, sexual assault, or stalking is considered a violation of policy and may result in disciplinary action. The procedures and mutual obligations of the VSC and the employee under any collective bargaining agreement, the VSC personnel handbook, will apply to any such disciplinary action.

(C) Reporting to Law Enforcement Agencies

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information for local law enforcement agencies shall be published on VSC's website (visit <https://resolve.vsc.edu/>)

formal complaint of such misconduct against the Chancellor shall be filed with the Chair of the Board of Trustees.

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

3. Reports Regarding Third Parties

A report regarding sexual harassment, sexual exploitation, domestic violence, dating violence, sexual assault, or stalking committed by a third party shall be filed with the Title IX Coordinator. The 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.

(B) Initial Communication with Complainant

If the report alleges conduct that would, if proved, be prohibited by Policy 3A, the Title IX Coordinator will:

- x promptly contact the complainant to discuss the availability of supportive measures as defined above;
- x consider the complainant's wishes with respect to supportive measures;
- x inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
- x explain to the complainant the process for filing a formal complaint.

(C) Formal Complaints

After an initial discussion, the complainant will be asked to prepare a written statement describing the alleged conduct he or she complains about.

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Misconduct procedures outlined here or in other VSC procedures, as deemed appropriate by VSC.

Even if the allegations of a matter fall within the definition of Title IX Sexual Harassment, VSC may (but is not required to) dismiss a formal complaint or any allegations therein if at any time during the investigation or resolution process:

- x a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- x the respondent is incapacitated or otherwise unable to participate in the investigation or resolution process, and VSC determines that the respondent cannot be located for the investigation or resolution process.

- Notification that parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
- Notification of existing counseling, health and mental health services available on campus and/or in the community.
- Notification 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.

In Title IX Sexual Harassment cases, the notice will also notify parties that they may inspect and review evidence during the investigation and resolution process, as provided below.

Copies of the written notice to the respondent shall be provided to the complainant, the Title IX Coordinator, the investigators, and VSC's general counsel.

If, in the course of an investigation, VSC decides to investigate allegations about any party that are not included in the notice described above, it will provide notice of the additional allegations to the parties whose identities are known.

(F) Consolidation of Formal Complaints

VSC may consolidate formal complaints as to allegations of Title IX Sexual Harassment and/or Non-Title IX Sexual Misconduct against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of such Prohibited Conduct arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this section to the singular "party," "complainant," or "respondent" include the plural, as applicable.

(G) Acceptance of Responsibility

If at any point during an investigation, a respondent chooses to accept responsibility-2 (oTj EMC /

VII. INVESTIGATIONS

(A) Appointing Investigators

The Title IX Coordinator will appoint at its discretion an investigator or investigators who is/are impartial, qualified, and trained to investigate complaints alleging violations of Policy 311-1. Investigators may be employees of the Institution, other VSC employees or outside investigators.

In selecting the investigator for a particular matter, the Title IX Coordinator will take care to select an individual who does not have a conflict of interest or bias against complainants or respondents generally or an individual complainant or respondent. The complainant or respondent may raise an objection to the selection of a particular investigator if either believes there is a conflict of interest or demonstrable or reasonably perceived bias on the part of the investigator. Any such objections must be raised upon receipt of notice of the appointments. The RCA shall have final authority in the appointment of investigators.

(B) Conducting the investigation

The investigator will conduct an investigation that is prompt, fair, impartial, and appropriate under the circumstances. The nature and scope of the investigation is within the discretion of the investigator.

The investigation will be conducted as promptly as possible, without compromising thoroughness. The investigator will endeavor to prepare their report within 45 calendar days from their appointment to serve as investigator, excluding scheduled breaks during the fall and spring semesters and other VSC Holidays or closures. This timeframe may be extended for good cause with written notice to the parties of the delay and the reason(s) for the delay.

(1) Witnesses and Evidence

The investigator will interview the complainant, respondent, and any witnesses separately. The complainant and respondent will be asked to identify: (a) relevant evidence they would like the investigator to review, (b) witnesses they would like the investigator to interview, and (c) questions they would like the investigator to ask the witnesses. The investigator has discretion as to what evidence to pursue, which witnesses to interview, and which questions to ask, depending on their determination of relevant information. VSC recognizes, however, that individuals who are bound by legal privilege or a duty of confidentiality and disclosure of such information is not applicable. The i

information will not be deemed relevant to an investigation or adjudication absent the voluntary, written consent of the party.

(2) Advisors

Complainants and respondents are entitled to the same opportunity to have an advisor of their choosing present at any interview or meeting they have with an investigator. Any such advisor may advise the complainant or respondent privately, but cannot act as a speaking advocate. An investigator may terminate a meeting and proceed with the investigation based on otherwise available information if an advisor refuses to comply with these requirements. Because a Policy 31A investigation may lead to discipline, a respondent who is a bargaining unit member has the right to be accompanied to the interview by a union representative.

(3) 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 Institution, any collective bargaining agreement, or personnel handbook, the investigator will inform the respondent in writing, of such allegations and the respondent will be given an opportunity to respond to the additional allegations before the investigators submit their report. If the alleged additional violations are related to the allegations contained in the complaint, they will be handled through the procedures otherwise applicable to allegations in the formal complaint, as provided below. If the alleged additional violations are unrelated to the allegations contained in the complaint, the VSC may choose to address these separately and not as part of the ongoing investigatory and adjudicatory process.

(4) General Investigation Provisions Applicable Only to Title IX Sexual Harassment Matters

The following general investigation-related provisions are applicable only to the investigation of matters that fall within the definition of Title IX Sexual Harassment, as required by May 2020 Title IX regulations. In such matters, the following provisions will apply:

- x Parties' equal opportunity to present witnesses may include evidence from fact and expert witnesses; and
- x Parties are not restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence; and

- x Parties whose participation is invited or expected will receive written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

(C) Preliminary Investigative Report

In both Title IX Sexual Harassment matters and Title IX Sexual Misconduct matters, when the investigator has completed witness interviews and the gathering of evidence deemed appropriate by the investigator, the investigator will prepare a preliminary investigative report. The preliminary investigative report will summarize relevant evidence but will not contain any

provide written responses to the report. The complainant and the respondent must submit any comments, feedback, additional documents, evidence, suggested questions for individuals interviewed, requests for additional investigation, names of additional witnesses, or any other information they deem relevant to the investigator, additional documents or other evidence, within 10 calendar days after the preliminary report is sent to them for review. The parties' written responses will be considered by the investigator prior to completion of the final investigative report, and some or all of the responses may be attached or otherwise incorporated into the final investigative report.

In the event that new, relevant information is provided or identified at this stage, the information will be incorporated into the preliminary report as deemed appropriate by the investigator, and, if the investigator, in consultation with the Title IX Coordinator, determine the new information is sufficiently material to the investigation, the complainant and the respondent will be provided a second opportunity to review and provide a written response regarding the new information within five calendar days, which the investigator will consider prior to completion of the final investigation report. Identification of new and relevant information after the parties' review of the preliminary report is likely to extend the time frame of the investigation.

(E) Final Investigative Report.

1. Final Investigative Report Generally

In both Title IX Sexual Harassment matters and Title IX [6.25 -1.15 Td [(sD(t)-1 f)3 (t(nt)-2 (.47 -2.31)

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statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the hearing officer will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

At the discretion of the hearing officer, parties (but not their advisors) will usually be given an opportunity to make a closing statement at the conclusion of the hearing.

6. Record of Hearings

VSC will create a audio or audiovisual recording and transcript (at its discretion) of any live hearing and will make it available to the parties for inspection and review.

7. Determinations Regarding Responsibility

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If sanctions are necessary, they will be assigned in accordance with the Sanctions section below. The parties will receive notice simultaneously of the written determination regarding responsibility and, if necessary, any sanctions as determined through the procedures outlined below.

B.

If a party wishes to have an individual appear at the hearing as a witness, they must provide notice of the identity of the proposed witness and a brief description of the subject matter of the witnesses' testimony to the Title IX Coordinator or designee at least 10 calendar days before the date of the hearing. The Title IX Coordinator or designee, in consultation with the hearing officer as necessary, will determine whether the witness is likely to have information that is relevant to the hearing, and if it is determined that the witness is likely to have relevant information, the Title IX Coordinator or designee will inform the witness that their presence at the hearing is required (to the extent that VSA has jurisdiction to require the presence of the witness) or requested.

5. Conduct of Hearings

At or before the hearing, the hearing officer will receive a copy of the investigative report, any attachments thereto, and copies of the parties' written responses to the investigative report, if any, which will be part of the information of record to be considered by the hearing officer.

Subject to the discretion of the hearing officer, hearings will ordinarily begin with introductory remarks by the hearing officer, followed by opening statements from any party who wishes to provide one, followed by the hearing officer asking relevant initial questions of the parties as deemed appropriate by the hearing officer. During this portion of the hearing, advisors may confer privately and in a non-disruptive manner with their advisee, but they are not allowed to make opening statements or otherwise address the hearing officer.

communications between a party and their attorney is relevant unless the person holding the privilege has waived the privilege.

At the request of either party, VSO will provide for the hearing to occur with the parties located in separate rooms with technology enabling the hearing officer to simultaneously see and hear the party or the witness answering questions. Live hearings may be conducted with all parties physically present in the same geographic location or, at VSO's discretion, any or all parties, witnesses, and other persons. (l)-2 (y pr7(i)--16 (h)-6(es)-5 (a)4 (r)3yn)-4 (d)-5

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(2) Time-frame

Absent extenuating circumstances, the

In cases in which the respondent is an employee both the complainant and respondent have the right to appeal the Title IX Coordinator's dismissal of a formal complaint for Title IX purposes based on the Title IX Coordinator's determination that it did not fall within the definition of Title IX Sexual Harassment. Within seven (7) calendar days of receiving the notification of such a

~~decision by the Title IX Coordinator, the parties may appeal to the Title IX Coordinator. The Title IX Coordinator will review the appeal and make a decision. The Title IX Coordinator's decision is final.~~

In Non-Title IX Sexual Misconduct cases where the respondent is an employee, the respondent's 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, (1) of any change to the discipline and/or sanctions imposed while the appeal is pending, and (2) the final decision, to the extent permitted by law. A copy of the decision shall be sent to the Title IX Coordinator and to VSC's general counsel.

X. INFORMAL RESOLUTION

Informal resolution is a voluntary resolution option that does not involve formal hearing or resolution procedures. Informal resolution may be used in Title IX Sexual Harassment matters in which a formal complaint has been filed by a Complainant or signed by the Title IX Coordinator, and in Non-Title IX Sexual Misconduct matters when deemed appropriate by the Title IX Coordinator. The VSC will not offer to facilitate an informal resolution process in any matter that involves allegations that an employee sexually harassed a student.

At any time prior to reaching a determination regarding responsibility, VSC facilitate an informal resolution process (e.g., mediation or restorative justice) where requested by a party and agreed to by both parties. If a party requests the initiation of an informal resolution process and the Title IX Coordinator agrees that the matter is appropriate for informal resolution, VSC provide to each party a written notice that discloses:

- x The allegations;
- x The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations
 - o As noted below, VSC generally permits parties to withdraw from the informal resolution process and initiate or initiate a formal investigation and hearing process at any time before the informal resolution process is completed and any informal resolution is agreed to in writing by the parties; and
- x Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

All parties and the Title IX Coordinator must agree to informal resolution for this option to be used. The Title IX Coordinator will assess the request for informal resolution in light of factors such as, but not limited to, the severity of the alleged violation and the potential risks to campus community members posed by the reported misconduct. VSC will only proceed with an informal resolution process if both parties provide their voluntary, written consent to having the matter resolved through the informal resolution process.

The matter will be deemed resolved if and when the parties expressly agree in writing to an outcome that is acceptable to them and which is approved by the Title Coordinator (in consultation with other VSC administrators as deemed necessary). Any party may withdraw from the informal resolution process at any time prior to their execution of a written informal resolution agreement, consistent with the procedure developed by VSC. If an informal resolution is agreed to in writing between the parties, neither party may initiate a formal resolution process regarding the same factual allegations.

At any time before a matter is resolved through informal resolution, the Title Coordinator may terminate an informal resolution process and initiate or initiate a formal investigational resolution process at any time, as they deem appropriate in their discretion. (a)6 -2 (on (Ca)6 - (s)51 min

- Provide educational materials on sexual harassment, sexual exploitation, dating violence, domestic violence, sexual assault, stalking and bystander intervention;
- Identify those individuals 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 Title IX Coordinators;
- Select and train designated contact persons
- Select and train investigators regularly regarding the issues related to sexual harassment, sexual exploitation, domestic violence, dating violence, sexual assault, and stalking, and how to conduct investigations that are prompt, fair, and impartial
- Regularly train Responsible College Administrators and any others responsible for

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Lyndon:

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Appendix B to Chancellor's Procedures for Implementation of Policy 31 A:
Sexual Harassment, Sexual Exploitation, Domestic Violence, Dating Violence, Sexual
Assault, and Stalking

DEFINITIONS OF CONSENT, DATING VIOLENCE, DOMESTIC VIOLENCE,
SEXUAL ASSAULT AND STALKING UNDER VERMONT LAW

Dating and Domestic Violence

15 V.S.A. § 1101. Definitions

"The following words as used in this chapter shall have the following meanings:

(2) 'Household members' means persons who, for any period of time, are living or have lived together, are sharing or have shared occupancy of a dwelling, are engaged in or have engaged in a sexual relationship, or minors or adults who are dating or who have dated. "Dating" means a social relationship of a romantic nature. Factors that the court may consider when determining whether a dating relationship exists or existed include:

- (A) the nature of the relationship;
- (B) the length of time the relationship has existed;
- (C) the frequency of interaction between the parties;

- (1) attempts to cause or wilfully or recklessly causes serious bodily injury to a family or household member; or
- (2) uses, attempts to use is armed with a deadly weapon and threatens to use the deadly weapon on a family or household member; or
- (3) commits the crime of domestic assault and has been previously convicted of aggravated domestic assault.

13 V.S.A. § 1044. Second degree aggravated domestic assault

“(a) A person commits the crime of second degree aggravated domestic assault if the person:

- (1) commits the crime of domestic assault and such conduct violates:

tm2 Tjap6 0 T(A) § 1044. Second degree aggravated domestic assault (a) A person commits the crime of second degree aggravated domestic assault if the person: (1) commits the crime of domestic assault and such conduct violates: (i) attempts to cause or wilfully or recklessly causes serious bodily injury to a family or household member; or (ii) uses, attempts to use is armed with a deadly weapon and threatens to use the deadly weapon on a family or household member; or (iii) commits the crime of domestic assault and has been previously convicted of aggravated domestic assault.

- (1) where the persons are married to each other and the sexual act is consensual; or
- (2) where the person is less than 19 years old, the child is at least 15 years old, and the sexual act is consensual.

(d) No person shall engage in a sexual act with a child who is under the age of 18 and is entrusted to the actor's care by authority of law or is the actor's child, grandchild, foster child, adopted child, or stepchild.

(e) No person shall engage in a sexual act with a child under the age of 16 if:

- (1) the victim is entrusted to the actor's care by authority of law or is the actor's child, grandchild, foster child, adopted child, or stepchild; or
- (2) the actor is at least 18 years of age, resides in the victim's household, and serves in a parental role with respect to the victim.

(f)(1) A person who violates subsection (a), (b), (d), or (e) of this section shall be imprisoned not less than three years and for a maximum term of life, and, in addition, may be fined not more than \$25,000.00.

(2) A person who violates subsection (c) of this section shall be imprisoned for not more than 20 years, and, in addition, may be fined not more than \$10,000.

(g) A person convicted of violating subsection (a), (b), (d), or (e) of this section shall be sentenced under section 3271 of this title.

13 V.S.A. § 3253. Aggravated sexual assault

“(a) A person commits the crime of aggravated sexual assault if the person commits sexual assault under any one of the following circumstances:

- (1) At the time of the sexual assault, the actor causes serious bodily injury to the victim or to another.
- (2) The actor is joined or assisted by one or more persons in physically restraining, assaulting or sexually assaulting the victim.
- (3) The actor commits the sexual act under circumstances which constitute the crime of kidnapping.
- (4) The actor has previously been convicted in this state of sexual assault under subsection 3252(a) or (b) of this title or aggravated sexual assault or has been convicted in any jurisdiction in the United States or territories of an offense which would constitute sexual assault under subsection 3252(a) or (b) of this title or aggravated sexual assault if committed in this state.
- (5) At the time of the sexual assault, the actor is armed with a deadly weapon and uses or threatens to use the deadly weapon on the victim or on another.
- (6) At the time of the sexual assault, the actor threatens to cause imminent serious bodily injury to the victim or to another and the victim reasonably believes that the actor has the present ability to carry out the threat.

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(b) A person who commits the crime of aggravated stalking shall be imprisoned not more than five years or be fined not more than \$25,000.00, or both.

(c) Conduct constituting the offense of aggravated stalking shall be considered a violent act for the purposes of determining bail.”

13 V.S.A. § 1064. Defenses

“In a prosecution under this subchapter, it shall not be a defense that the defendant was not provided actual n

(C) engaging in nonphysical contact with the plaintiff through third parties who may or may not know of the order.

(8) [Repealed.]

12 V.S.A. § 5132. Jurisdiction and venue

“(a) The Superior Court shall have jurisdiction over proceedings under this chapter.

(b) Proceedings under this chapter may be commenced in the county in which the plaintiff resides. If the plaintiff has left his or her residence to avoid being stalked or sexually assaulted, the plaintiff shall have the option to bring an action in the county of the previous residence or the county of the new residence.”

12 V.S.A. § 5133. Requests for an Order against Stalking or Sexual Assault

extend the terms of the order. The court may modify its order at any subsequent time upon motion by either party and a showing of a substantial change in circumstance.

(f) No filing fee shall be required.

(g) Every order under this chapter shall contain the name of the court, the names of the parties, the date of the petition, and the date and time of the order and shall be signed by the judge.

(h) Form complaints and form orders for ~~an~~ Order Against Stalking or ~~Sexual~~ Assault shall be provided by the Court Administrator and shall be maintained by the clerks of the courts.

(i) When findings are required under this section, the court shall make either written findings of fact or oral findings of fact on the record.

(j) Every final order issued under this section shall bear the following language: ~~VIOLATION OF THIS ORDER IS A CRIME SUBJECT TO A TERM OF IMPRISONMENT OR A FINE, OR BOTH, AND MAY ALSO BE PROSECUTED AS CRIMINAL CONTEMPT PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH.~~

(k) Affidavit forms required pursuant to this section shall bear the following language: 'MAKING FALSE STATEMENTS IN THIS AFFIDAVIT IS A CRIME SUBJECT TO A TERM OF IMPRISONMENT OR A FINE, OR BOTH, AS PROVIDED BY 13 V.S.A. § 2904.'

(l) A finding by the court pursuant to this chapter that the defendant stalked or sexually assaulted the plaintiff shall not be admissible in any subsequent civil proceedings for the purpose of establishing liability'.

12 V.S.A. § 5134. Emergency relief

“(a) In accordance with the Vermont Rules of Civil Procedure, a person other than a family or household member as defined in 15 V.S.A. § 1001(2) may file a complaint for a temporary order against stalking or sexual assault. Such complaint shall be filed during ~~regular~~ ~~regular~~ hours. The plaintiff shall submit an affidavit in support of the order. The court may issue a temporary order under this chapter ex parte, without notice to the defendant, upon motion and findings by the court that the defendant has stalked or sexually assaulted the plaintiff. The court may order the defendant to stay away from the plaintiff or the plaintiff's children, or both, and may make any other such order it deems necessary to protect the plaintiff or the plaintiff's children, or both.

(b) Every order issued under this section shall contain the name of the court, the names of the parties, the date of the petition, and the date and time of the order and shall be signed by the judge. Every order issued under this section shall state upon ~~its~~ ~~its~~ date, time, and place that the defendant may appear to petition the court for modification or discharge of the order. This opportunity to contest shall be scheduled as soon as reasonably possible, which in no event shall be more than 14 days from ~~the~~ ~~the~~ date of issuance of the order. At such hearings, the plaintiff shall have the burden of proving by a preponderance of the evidence that the defendant stalked or sexually assaulted the plaintiff. If the court finds that the plaintiff has met his or ~~her~~ ~~her~~ burden

shall continue the order in effect and make such other orders as it deems necessary to protect the plaintiff or the plaintiff's children, or both.

(c) Form complaints and form orders shall be provided by the Court Administrator and shall be maintained by the clerks of the courts.

(d) Every order issued under this chapter shall bear the following language: VIOLATION OF THIS ORDER IS A CRIME SUBJECT TO A TERM OF IMPRISONMENT OR A FINE, OR BOTH, AND MAY ALSO BE PROSECUTED AS CRIMINAL CONTEMPT PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH.

(e) Affidavit forms required pursuant to this section shall bear the following language: 'MAKING FALSE STATEMENTS IN THIS AFFIDAVIT IS A CRIME SUBJECT TO A TERM OF IMPRISONMENT OR A FINE, OR BOTH, AS PROVIDED BY 13 V.S.A. § 2904.'

