

No Contact Order

- From document in of itself
 - No physical, verbal, or written contact (indirectly or directly)
 - No prolonged eye contact, persistent visual monitoring, following, impeding, intimidating/harassing conduct
 - Minimize eye contact and amount of time in which they voluntarily occupy same space
 - Maximize physical distance
 - Repeated, purposeful encounters could lead to violation
 - No retaliation
 - Not a disciplinary sanction (violation may result in disciplinary action)
 - "Given the small size of this campus and surrounding community, this No Contact Order will not fully eliminate all instances in which the parties inadvertently encounter each other"
- Issues
 - People often have classes together, and the only thing the JAO can do is ask the professor to not put the two parties in the same group for projects
 - Can't really prove "prolonged eye contact"
 - JAO has to actively check the class list to see if the two parties have the possibility to share the same academic space
 - JAO does not consider Language Tables, waitlists, study abroad programs
 - Complainant has to purposefully ask the JAO to look up these potential areas of contact
 - Does not define retaliation
 - Complainant has to change their schedule because respondent often does not want to and therefore does not
 - Stalking and intimidation still happen
 - ** i am currently working on trying to remove public access to housing information
 - People can opt to remove their housing information publicly, but this would be noticeable and make them stand out (can still search their name)
 - Do not even have to know last name; if first name is searched, all people who go by that name will appear
 - Res Life staffers are even easier to find because they have the same location for their rooms just on different floors, and their floor can easily be identified
 - No inclusion of party spaces
 - No specific orders of what to do during instances of contact

Investigation Issues

- Title IX officer not introduced to complainant; complainant must reach out to Title IX

- JAO paint themselves as the advocate for the survivor; however, their ultimate goal is protecting Middlebury and its policy, not necessarily the survivor
 - Must go through process in a way that assures Middlebury cannot be sued for not following due process
 - Complainant often has no other contact and does not realize that they should contact Title IX and research their rights
- All interviews are recorded
 - Complainant can have multiple recorder interviews, which leads to more instances when the respondent can attack discrepancies (discrepancies occur often because of the nature of the trauma)
 - Instances of recording for complainant: initial report (can be made through JAO), first meeting with investigator, any follow-up meetings with investigator, and meetings about NCOs if these were prior to filing a complaint
- Discrepancies within JAO
 - Often tells complainants that they are not allowed to talk about incident or investigation (instead, the online document states that this is highly discouraged, and the complainant must ask why this is highly discouraged to find out the reasoning)
 - Survivor therefore should not discuss anything with potential witnesses that will be called for investigation (often times their best friends)
 - These best friends also have an even more limited role in advising (cannot be there during the recounting of incident)
 - Sometimes promises complainant that process will only take 90 days
 - State they will notify complaint if process takes longer, but they will try their best to keep in time frame
 - Encourages complainant to file report by stating that every person who has been found to have more likely than not violated the policy has been expelled
 - Few people are actually expelled because they can withdraw from middlebury during process
 - Middlebury has to transfer credits to the new institution and does not have to tell that institution the person was under investigation during the time of withdrawal
 - New institution has to call and specifically ask for this information (few do)
- Investigation without survivor's consent
 - JAO states they have never done this
 - Does not apply to the List of Men to Avoid
 - No pressing issue of safety
 - Must treat respondents the same as complainants (perpetrators get same rights as survivors)
 - Have no evidence to gather (don't know time of incident, who was involved, or what the incident was)
- Sexual assault as umbrella term

- Only four categories: rape, fondling, statutory rape, and incest
- JAO labels incident, not the survivor
 - Survivor may not want to label event as rape or feel that it was rape
 - No category in between rape and fondling
- Whole process is very invalidating
 - Administrators cannot deter people from reporting, but many have said that they would never tell anybody to file a complaint
 - No one is happy with the process
 - No one I have talked to said they would recommend this process to anyone on campus
 - Only true advantage of reporting is the possibility of expulsion
 - Process is very long and can take over survivor's life
 - Often is referred to as another class because of the time it takes to gather evidence (mainly text messages) and the emotional burden
- Attorneys
 - Not provided by college
 - Person has to pay for them (benefits the rich and is not equal)
 - Can stall process so that respondent can transfer without any mark on record
- Complainant does not know standing of respondent
 - Complainant has to provide a lot of information at first for the JAO, Title IX coordinator, and HRO to determine if there is a possible policy violation
 - Respondent can just not show up to meetings or keep rescheduling them
 - Complainant keeps going ahead in process without being privy to this information
- Respondent can literally admit to sexual assault, and the college will still go through the whole investigation process
 - Rape kit, written confession, spoken confessions do not matter
- US Department of Education recommends that these investigations happen in less than 60 days