2014

Annual Security Report

Jeanne Clery Act

From the Vice President

Of Finance and Administration

Vermont Law School
TO THE VERMONT LAW SCHOOL COMMUNITY:

Although Vermont Law School endeavors to provide a safe environment for students, faculty, staff, and visitors to work and recreate, security is a shared responsibility.

This report covers the most recent safety and security policies, procedures, and services provided on the Vermont Law School campus as of October 1, 2014. It contains campus crime statistics for calendar years of 2013, 2012, and 2011 and highlights programs to educate the law school community about safety. The report also includes the Campus Sex Crimes Prevention Act notification.

If you have any questions, concerns, or recommendations about this report or the safety and the emergency preparedness of Vermont Law School in general, please call me at (802) 831-1204. You can also e-mail me at latwood@vermontlaw.edu.

Lorraine Atwood
Vice President of Finance and Administration
Vermont Law School
INTRODUCTION

The Vice President of Finance and Administration, in conjunction with many other departments of Vermont Law School (VLS), prepares and distributes this Annual Security Report. The report serves several purposes: it complies with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; explains how the law school reports, investigates, and responds to crime and emergencies on or near law school property; informs the law school community of the safety and security resources available to respond to emergencies, and provides other safety and security information to the law school community so that informed decisions may be made by the law school community.

This annual report is published and released by October 1 of each year. The law school’s final crime statistics are compiled by the Vice President of Finance and Administration using crime definitions found in the FBI Uniform Crime Reporting Handbook. In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 USC 1092(f), the statistics for the three most recent calendar years include crimes that occurred: (1) on-campus (any building or property owned or controlled by the law school within the same reasonably contiguous geographic area and used by Vermont Law School in direct support of, or in a manner related to, the law school’s educational purposes; (2) on public property (all public property, including thoroughfares, streets, sidewalks, and parking facilities that are within the campus or immediately adjacent to and accessible from the campus) and (3) any non campus properties owned by Vermont Law School that are reported to a campus security authority, as defined in the Act, or to local police agencies.

A PDF version of this report can be viewed or otherwise printed by way of the Vermont Law School’s website. Click on “Annual Disclosure of Crime Statistics.”

Please contact the Vice President of Finance and Administration for additional crime information or questions relating to this report.
Students, faculty, staff, and guests are encouraged to report crimes and public safety-related incidents to the Vice President of Finance and Administration or the South Royalton Police Department in an accurate and timely manner. To report criminal activity and other emergencies, contact Vice President Atwood at 831-1204. At other locations under local police authority, call 911. Crimes should be reported to the Vice President of Finance and Administration to aid in providing timely campus safety notifications and to ensure inclusion in annual crime statistics.

Every member of the Vermont Law School community is encouraged to take an active role in reporting hazardous conditions, criminal activity, or any emergency. Any time immediate response is needed or a person is unsure of whom to call, the Vice President of Finance and Administration can be contacted by phone at 831-1204 or in person at Debevoise Hall. The Vice President of Finance and Administration will contact fire, ambulance, or police. The Vice President of Finance and Administration will also make other notifications as needed. As deemed appropriate, an emergency notification or timely warning of a crime that poses an ongoing threat to the law school community will be initiated.

## IMPORTANT PHONE NUMBERS

### On-campus Emergencies

<table>
<thead>
<tr>
<th>Service</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>VLS Night Emergencies</td>
<td>802-831-1100</td>
</tr>
<tr>
<td>Vice President of Finance and Administration</td>
<td>802-831-1204</td>
</tr>
<tr>
<td>Associate Dean for Student Affairs and Diversity</td>
<td>802-831-1333</td>
</tr>
<tr>
<td>Physical Plant</td>
<td>802-356-4328</td>
</tr>
<tr>
<td>Director of Technology</td>
<td>802-831-5000</td>
</tr>
<tr>
<td>Walking or Vehicle Safety Escorts</td>
<td>802-831-1441</td>
</tr>
<tr>
<td>Or</td>
<td>802-831-1100</td>
</tr>
</tbody>
</table>

### Off-campus emergencies

**First:** 911
- Buildings and Grounds: 802-831-1260
- Technology: 802-831-1363
- Director of Human Resources: 802-831-1236

### Contacting Community Mental Health Centers After Hours

<table>
<thead>
<tr>
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</tr>
</thead>
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<tr>
<td>Clara Martin Center</td>
<td>800-639-6360</td>
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### Off-campus Emergencies

<table>
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<th>Service</th>
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</thead>
<tbody>
<tr>
<td>South Royalton Police</td>
<td>802-763-7776</td>
</tr>
<tr>
<td>Cell #</td>
<td>802-661-8327</td>
</tr>
<tr>
<td>State Police</td>
<td>802-234-9933</td>
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<tr>
<td>Ambulance</td>
<td>911</td>
</tr>
<tr>
<td>Poison Control Center</td>
<td>800-222-1222</td>
</tr>
</tbody>
</table>
Security Information and Assistance is Provided to all Students and Employees

New students and employees are informed about safety and security issues at orientation sessions. The Student Handbook and Staff Handbook provide safety, security, and emergency information and advice. Telephone numbers are available in the handbooks, and the Vice President of Finance and Administration maintains a website, accessible through the law school’s website (www.vermontlaw.edu), that contains helpful information relative to safety and security on campus.

POLICY ON EMERGENCY NOTIFICATION

General information about emergency response and evacuation procedures for Vermont Law School is publicized as part of VLS’s Clery Act compliance efforts, and that information is available on the Vice President of Finance and Administration’s website.

The Vice President of Finance and Administration has the responsibility of responding to and summoning the necessary resources to mitigate, investigate, and document situations that may cause a significant emergency or dangerous situation. In addition, the Vice President of Finance and Administration and/or the Associate Dean for Student Affairs and Diversity has a responsibility to respond to such incidents to determine if the situation does, in fact, pose a threat to the community. If that is the case, federal law requires that the institution immediately notify the campus community or the appropriate segments of the community that may be affected by the situation.

The Vice President of Finance and Administration and/or the Associate Dean for Student Affairs and Diversity receives information from various departments on campus. If the Vice President of Finance and Administration and/or the Associate Dean for Student Affairs and Diversity confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the VLS community, then (s)he or they, the technology department, the communications office, and Director of Human Resources will collaborate to determine the content of the message and will use some or all of the systems described below to communicate the threat to the VLS community or to the appropriate segment of the community if the threat is limited to a particular building or segment of the population. The Vice President of Finance and Administration, the Associate Dean for Student Affairs and Diversity, technology, communications, and Director of Human Resources, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system unless issuing a notification will, in the judgment of first responders (including, but not limited to: the Vermont State Police, the South Royalton Police Department, the South Royalton Fire Department), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

In the event of a serious incident that poses an immediate threat to members of the VLS community, the law school has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat to the VLS community. These methods of communication include network emails.
PROCEDURES FOR TESTING EMERGENCY RESPONSE
AND EVACUATION PROCEDURES

An evacuation drill is coordinated by the Vice President of Finance and Administration and the Director of Human Resources each semester for all facilities at the Vermont Law School campus. Thus the emergency response and evacuation procedures are tested at least once a year. Decisions regarding designated locations for long-term evacuations are affected by the availability of designated emergency gathering locations on campus as well as other facts such as the location and nature of the threat. The Vice President of Finance and Administration will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of an emergency. At VLS, evacuation drills are used as a way to educate and train occupants on issues specific to their building. During the drill, occupants familiarize themselves with the location of exits, the sound of the fire alarm, and the direction they should travel upon exiting the building. The Vice President of Finance and Administration and the Director of Human Resources are aware of the relocation areas for each building. The process also provides the law school with an opportunity to test the operation of the fire alarm system components.

Evacuation drills are monitored by building and grounds and the Vice President of Finance and Administration evaluate egress and equipment issues. Reports are prepared by buildings and grounds which identify deficient equipment so that repairs can be made immediately. Recommendations for improvements are also submitted to the appropriate departments/offices for consideration.

Students receive information about evacuations and shelter-in-place procedures during educational sessions that they can participate in throughout the year. Buildings and grounds and the Vice President of Finance and Administration are trained in these procedures as well and act as an ongoing resource for the students.

POLICY ON TIMELY WARNING NOTIFICATION

The Vice President of Finance and Administration and the Associate Dean for Student Affairs and Diversity develop campus safety notice messages for the law school community, in coordination with the law school technology, communications, and human resources departments, to notify members of the VLS community about crimes that occur on campus where it is determined that the incident may pose an ongoing threat to members of the law school community. The campus safety notice will be launched by the Vice President of Finance and Administration, the Associate Dean of Student Affairs and Diversity, and/or the Director of Human Resources. In the absence of the Vice President of Finance and Administration, the Associate Dean of Student Affairs and Diversity, and the Director of Human Resources, the Vice President of Operations will launch the notice. In the event these individuals are occupied with the emergency situation or are otherwise unavailable, the campus safety notice message will be launched by the technology and communications departments with input from the office of the
Vice President of Finance and Administration and/or the Associate Dean for Student Affairs and Diversity. The campus safety notice will include information that will promote safety and will aid in the prevention of similar crimes. The decision to issue a campus safety notification is made on a case-by-case basis considering the validity of the information about the crime reported to the Vice President of Finance and Administration and/or the Associate Dean for Student Affairs and Diversity, facts surrounding a crime, the nature of the crime, continuing danger to the campus community, and risk of compromising law enforcement efforts.

Campus safety notices are usually disseminated for the following FBI Uniform Crime Report/National Incident Based Reporting System Classifications: arson, criminal homicide, sex offenses (forcible rape, forcible sodomy, sexual assault, forcible fondling, incest, and statutory rape), robbery, aggravated assault, burglary, and hate crimes. Cases of aggravated assault and sex offenses are considered on a case-by-case depending on the facts of the case and the information known to the Vice President of Finance and Administration and/or the Associate Dean for Student Affairs and Diversity. For example, if an aggravated assault occurs between two students who have a disagreement, there may be no ongoing threat to other members of the law school community; therefore, a campus safety notice would not be disseminated. Sexual assaults are considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the Vice President of Finance and Administration and/or the Associate Dean for Student Affairs and Diversity.

In an effort to provide timely notice to the law school community and in the event of a serious incident which may pose a threat to members of the law school community, an e-mail campus safety notice is sent to all students, faculty, and staff.

Updates to the law school community about any particular case resulting in a campus safety notice may be distributed via e-mail, may be posted on the Vermont Law School website, or may be shared with the Forum. The law school may not provide timely warnings about those crimes reported to a pastoral or professional counselor.

POLICIES FOR PREPARING THE ANNUAL DISCLOSURE OF CAMPUS CRIME STATISTICS

The Vice President of Finance and Administration compiles crime data reported to her and collects crime and referral data from local law enforcement and campus security authorities. The Vice President of Finance and Administration prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be located on the Vermont Law School website at www.vermontlaw.edu.
ORGANIZATIONS TO WHOM STUDENTS AND EMPLOYEES SHOULD REPORT CRIME FOR THE PURPOSE OF TIMELY WARNINGS AND INCLUSION IN THIS REPORT

Vice President of Finance and Administration: 802-831-1204
Associate Dean for Student Affairs and Diversity: 802-831-1333
Director of Human Resources: 802-831-1212

POLICIES CONCERNING SECURITY OF AND ACCESS TO CAMPUS FACILITIES AND CONSIDERATIONS USED IN CAMPUS FACILITY MAINTENANCE

Building Access

- Academic buildings are locked at midnight each day. Buildings are reopened by buildings and grounds prior to the beginning of classes the next day except for Saturday, Sunday, and holidays.
- There is lighting in and around many campus facilities for increased safety and security purposes.

Security Considerations Used in Campus Facility Maintenance

- Safety and security issues are considered and implemented in the design and placement of all campus lighting, shrubbery, trees, and the like.
- Safety and security issues are considered when planning and designing major renovations to campus facilities or construction of new facilities on campus.
- Safety and security maintenance requests receive priority over nonsafety and nonemergency work orders in the law school’s buildings and grounds department.
- Buildings and grounds maintenance personnel are expected to report promptly any safety and security maintenance issues when discovered.

POLICIES FOR FIRE SAFETY

Actions to Take in Case of Fire

- Know what the fire alarm sounds like.
- Know where pull stations are located.
- When you see a fire, sound the alarm.
- Contact buildings and grounds at 802-831-1260 or 911 to report any fire.
- Be prepared to identify the size of the fire and location.
- Exit building as safely and quickly as possible from the nearest exit (in any building you should know where at least two exits are).
- Close all doors behind you as you leave the building.
- Do not use elevators for any reason.
- If one is physically challenged, develop a buddy plan with someone else to help expedite safe exit.
- Notify others in the immediate area about the fire as you are leaving.
- Do not enter a building that is on fire or that the fire alarm is sounding in.
• Do not re-enter a building that you have evacuated for any reason.
• Never prop open or lock a fire exit door.
• Report any vandalism to any of the fire safety equipment in your building.
• The student handbook makes it mandatory for all students to exit the building when a fire alarm is sounding.

Health, Safety, and Welfare

Students are prohibited from keeping or using firearms, fireworks, explosives, weapons (including but not limited to knives, pellet guns, air guns, spring-loaded or paintball guns), or other dangerous articles or substances.

Activating a false fire alarm is strictly prohibited.

Students are not to tamper with or remove any fire or safety equipment (including but not limited to smoke detectors, sprinkler systems fire extinguishers, etc.).

Students must vacate the building whenever the fire alarm system is activated.

Definitions

Fire: Any occurrence of an open flame or other type of burning in any area not intended to contain burning in an uncontrolled manner.

False Alarm: System malfunctions or trouble alarm, or the fire alarm was activated intentionally when no smoke or fire danger was present. Subsequently, no injuries, damages, or fatalities occurred.

Unwanted Alarm: The fire alarm system activated as it was designed to; however, no smoke or fire was present. Subsequently, no injuries, damages, or fatalities occurred.

CRIME REPORTING POLICIES

POLICIES THAT ENCOURAGE ACCURATE, PROMPT REPORTING OF ALL CRIMES TO THE VICE PRESIDENT OF FINANCE AND ADMINISTRATION AND APPROPRIATE POLICE AND FIRE AGENCIES

The Vice President of Finance and Administration and the Associate Dean for Student Affairs and Diversity maintain a close working relationship with the Vermont State Police, South Royalton Police Department, surrounding policies agencies, and the South Royalton Fire Department. Students, faculty, staff, and guests are encouraged to report crimes and public safety-related incidents to the Vice President of Finance and Administration by calling 802-831-1204 and/or the Associate Dean for Student Affairs and Diversity at 802-831-1333. If the crime or emergency is reported to the Vice President of Finance and Administration and/or the Associate Dean for Student Affairs and Diversity and assistance is required of the local police or fire department, the Vice President of Finance and Administration and/or the Associate Dean for Student Affairs and Diversity will contact the appropriate department. Public safety officers
participate in new student and new employee orientation sessions to inform law school members about the appropriate procedures for reporting crimes and emergency situations. The Vice President of Finance and Administration and/or the Associate Dean for Student Affairs and Diversity periodically meet with representatives of Student Bar Association and buildings and grounds to coordinate crime reporting and address safety and security questions.

**Crime Reporting Procedures**

Victims or witnesses of a crime may report crimes voluntarily and confidentially by way of the Vice President of Finance and Administration’s and/or the Associate Dean for Student Affairs and Diversity’s website.

**Type and Frequency of Programs About Safety and Crime Prevention**

- New students and employees are informed about safety and security issues at orientation sessions. The Vice President of Finance and Administration’s website illustrate crime information, safety tips, and crime notification alerts. Representatives of buildings and grounds host or otherwise provide other safety and security training to various groups of students, faculty, and staff. To specify, fire extinguisher training, emergency preparedness training, safety training, emergency operations center training, and fire drill training was provided.
- The student newspaper staff periodically writes articles on safety and security incidents and issues that occur on and around campus.
- New student and employee orientation programs and materials include safety and crime prevention information from the Director of Human Resources or the Associate Dean for Student Affairs and Diversity.
- Throughout the year, presentations are given by representatives of the Director of Human Resources, Vice President of Finance and Administration, and/or the Associate Dean for Student Affairs and Diversity on topics such as sexual assault, work-place violence, alcohol-related issues, alarm use, and personal safety matters. The Vice President of Finance and Administration and/or the Associate Dean for Student Affairs and Diversity is/are always available to schedule individual or group safety presentations or to provide assistance in addressing specific problems. These presentations and programs are frequently and prominently posted on the Vice President of Finance and Administration’s website and/or the Associate Dean for Student Affairs and Diversity’s website or otherwise promoted through e-mail.
- Representatives of the Vice President of Finance and Administration, Director of Human Resources, and/or the Associate Dean for Student Affairs and Diversity meet frequently with various law school organizations throughout the year to address safety and security issues. The safety committee meets with the Vice President of Finance and Administration and the Associate Dean for Student Affairs and Diversity to take a joint proactive response to issues as presented.
Missing Persons

All faculty, staff, and students (law school community members) share the responsibility of immediately reporting to the Vice President of Finance and Administration and/or the Associate Dean for Student Affairs and Diversity when they believe that a student is missing. The Vice President of Finance and Administration and/or the Associate Dean for Student Affairs and Diversity will notify the Vermont State Police and/or the South Royalton Police Department within 24 hours of the determination that a student is missing.

Students are expected to register a general emergency contact for the purposes of notification in the event the student is determined to be missing.

INFORMATION FOR COMMUNITY PROTECTION

- A crime log is maintained by the Vice President of Finance and Administration. The crime log is available upon request in his/her office. Any person may view the daily crime log at any time. The crime log lists reported crimes that occurred on-campus. This log includes the nature, date, time, and general location of each crime and the disposition of the complaint, if known. This information is updated unless such disclosure is prohibited by law or would jeopardize the confidential identity of the victim. The law school may withhold information from the crime log if the release of the information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence. Once the adverse effect described above is no longer likely to occur, the law school will disclose all withheld information in the log.
- Weapons are prohibited from all law school property.

POLICY ON ALCOHOLIC BEVERAGES

Introduction

Vermont Law School’s alcohol policy is congruent with Vermont state law, local regulations, and the mission of Vermont Law School and is promulgated to assure the appropriate distribution and consumption of alcoholic beverages on the campus. The administration and interpretation of the alcohol policy ultimately rests with the Dean or designee who, in this instance, are the Deans and Associate Deans of Finance and Administration and Student Affairs and Diversity.

Alcohol and Substance Abuse

Any student who feels he or she may have a problem with alcohol or drugs is encouraged to contact the VLS counselor or the Associate Dean for Student Affairs and Diversity for a discussion of options. The Vermont Lawyers Assistance Program (VTLAP) provides confidential assistance to law students, lawyers, judges, and their families in coping with alcoholism and other additions, depression, or other personal or professional crises. VTLAP is exempt from reporting professional misconduct under Rule 8.3. Information between VTLAP volunteers and a lawyer, judge, or law student who seeks assistance is strictly confidential and
will not be disclosed except upon express authority of the affected person. From more information, please see their website, www.laptvt.org.

The Student Bar Association and/or the Student Ambassadors maintain a SafeRide program on Thursday, Friday, and Saturday nights from 10 p.m. to 3 a.m. The SafeRide cell phone numbers are 802-299-1117 and 802-299-1116. SafeRide volunteers will pick up students, staff, or faculty from any location in South Royalton and take them to Bethel, Randolph, Royalton, South Royalton, and Tunbridge. If there is any doubt in your mind that you have had too much to drink, please call SafeRide at 802-299-1117 or 802-299-1116. No questions will be asked or judgments made, no records will be kept, and you will be taken home safely.

Students are responsible for informing themselves on the character and fitness requirements of the bar in the state or states they intend to practice. Vermont Law School is required to certify a student’s character and fitness for the bar. Students have a duty to promptly report to the Vice President of Finance and Administration any charges, arrests, or convictions of a violation of any civil or criminal law other than a parking violation or parking ticket.

Students who attend classes, meetings, or any academic or professional function on campus while intoxicated will be asked to leave by the professor or the event sponsor. If the student resists, the professor or event organization shall call the Associate Dean for Student Affairs or campus security (at extension 1100 during business hours) who will ask the student to leave and/or call the police for assistance. If the student is disruptive or violent, the Associate Dean or campus security will take the appropriate steps, including calling law enforcement for assistance. If the student is disruptive or violent, the incident will be investigated as a violation of the Code of Conduct and sanctions may be imposed.

Alcohol on Campus

1. Consumption of alcoholic beverages on Vermont Law School property is a privilege accorded under specified conditions to individuals of legal age according to Vermont Law School.
2. Recognizing that not all individuals may choose to consume alcoholic beverages and recognizing the social emphasis of all events, any function providing an alcoholic beverage must also provide two non-alcoholic beverages.
3. The sponsoring individual or organization must furnish information concerning the program, facility arrangements, food service needs, and the type and amount of beverages to be served as directed on the Student Organization Event Form and Alcohol Planning Document. Forms are available in the Dean’s office or on the K drive under K:\students\event planning.
4. All recognized organizations and sponsors of registered social events are prohibited from providing alcohol to minors. Consistent with, and related to this restriction, the serving of kegs, beerballs, and alcoholic punch drinks/wine may only be served by our Food Services director, a licensed caterer.
5. Any event which includes alcohol as part of its program should focus as much as possible upon the social nature of the event in its promotional campaign and not overemphasize the sale or availability of alcoholic beverages at social events.
6. The safe occupancy level of the approved space must be determined and steps taken to insure compliance with the fire safety code of VLS and the state of Vermont.
7. No alcohol may be carried into or consumed on campus buildings, including outdoor areas at recreational events with the exception of approved designated areas, without the submission and approval of the Alcohol Event Planning Document and Student Organization Event Form.

8. Scheduled events must remain within the approved designated area.

9. A charge of no less than $100 will be billed to the organization/individual sponsoring an event if the facility used is not properly cleaned within eight hours after the function has ended.

**Organized Private Parties**

Organized private parties are considered events that involve an approved number of invited guests and have alcohol being served by the sponsors within an approved area in a manner consistent with applicable laws.

Alcohol may not be sold under any conditions at private parties.

The events require the submission and approval of the Alcohol Planning Document six (6) weeks prior to the event.

**Campus-Wide Licensed Events**

The sponsoring organization/individual must complete and have approved the Student Organization Event Form and Alcohol Planning Event Document at least six (6) weeks prior to the event. These forms are available from the Dean’s office. Completion of the form indicates an understanding of the alcohol policy and a responsibility to fulfill the regulations therein.

The sponsoring organization or individuals must assume financial responsibility for all associated costs (i.e., security, damages, etc.). The sponsoring organization or individuals must post easily visible signs that read “No alcohol beyond this point” to ensure that no alcohol may be carried into or consumed in campus buildings, including outdoor areas at recreational events, outside of the approved designated areas.

**POLICY ON ILLEGAL DRUGS**

Possession, use, and distribution of stimulants, depressants, narcotics, and hallucinogenic drugs and other agents having potential for abuse, except on a physician’s or dentist’s prescription, is forbidden by law school policy and local, state, and/or federal law. Such use and conduct are prohibited on Vermont Law School’s premises or as part of any law school activity. Selling, bartering, exchanging, or giving away such drugs to any person is illegal and prohibited. Any student engaged in such activities will be subject to arrest by law enforcement agents and will seriously jeopardize his or her status as a student at the law school.

In accordance with the Federal Drug-Free Schools and Communities Act Amendments of 1989 and the Drug-Free Workplace Act, the law school annually distributes to students and employees an informational brochure that includes the law school’s alcohol and drug policies,
counseling and assistance programs, law school and legal sanctions, health risks, and uses and effects of controlled substances.

**PREVENTION PROGRAMS**

Vermont Law School will respond to violation of its drug and alcohol abuse policy with action consistent with school disciplinary and personnel policies and local, state, or federal law. Sanctions may include: substance abuse counseling; referral to or mandatory participation in an appropriate drug assistance or rehabilitation program; disciplinary action including reprimand, probation, expulsion, or termination of employment; and/or possible referral for prosecution. State penalties for illicit manufacture, use, and distribution of controlled substances are outlined in Vermont Statutes (title 18, Chapter 84) Possession and Control of Regulated Drugs, http://www.leg.state.vt.us/statutes/fullchapter.cfm?Title’18&Chapter’084. A copy of the complete federal regulations is available from the Vice President of Finance and Administration, who can respond to inquiries and clarify VLS policy.

**Drug Use and Ineligibility for Federal Financial Aid**

Students denied eligibility for an indefinite period can regain it after successfully completing a rehabilitation program (as described by law), passing two unannounced drug tests from such a program, or if a conviction is reversed, set aside, or removed from the student’s record so that fewer than two convictions for the sale or three convictions for possessions remain on the record. In such cases, the nature and dates of the remaining convictions will determine when the student regains eligibility.

The law school is committed to educating students and employees about the implications of substance abuse, to promoting institutional programs with those objectives, and to supporting the efforts of individuals to overcome substance abuse problems. To this end, students and employees should familiarize themselves with the possible behavioral and medical consequences of substance abuse described in the student and staff handbooks. The school psychologist can provide confidential counseling and referrals to appropriate drug and alcohol counseling, treatment, and rehabilitation programs accessible in the vicinity of the law school.

The law school’s current policy is intended to meet minimum legal requirements and to allow for modifications and refinement as necessary. It is not meant to restrain dissent of the free and open discussion of issues surrounding drug and alcohol use and abuse or of related federal laws and policies. As an educational institution, we encourage inquiry and dialogue. A truly workable approach to eliminating drug and alcohol abuse is based on fairness and information, not merely punishment.
POLICY ON SEXUAL ASSAULT

Purpose

Vermont Law School is committed to fostering a safe and supportive environment conducive to the academic pursuit and healthy personal development of all persons. All members of the law school community share responsibility for fostering this environment by adhering to standards of conduct. Any form of sexual assault is a serious violation of these standards and will not be tolerated. The law school’s sexual assault policy is contained in both the student and staff handbooks.

Sexual assault is a crime. The purpose of this Sexual Assault Policy is to make clear that sexual assault, as defined herein, constitutes a violation of Vermont Law School’s Code of Conduct and to provide members of the VLS community who may have been sexually assaulted with information about reporting incidents of sexual assault, medical facilities, and available counseling.

Definition

Sexual assault is knowingly engaging in physical contact of a sexual nature with any person without the consent of that person and includes rape, sexual battery and sexual coercion. The gender and sexual orientation of the assailant and of the victim are not relevant for purposes of this definition. Impaired judgment because of the use of alcohol or other drugs is not a defense to a charge of sexual assault. Moreover, a person who is under the influence of alcohol or other drugs may not be able to give valid consent to sexual contact.

Scope

The sexual assault policy applies to conduct on VLS property, at VLS sponsored events, including student group events. The policy also applies in other circumstances where the alleged conduct could have a significant impact on the educational or employment environment or the reputation or integrity of VLS; involves interactions between VLS employees, officers, trustees and/or students; or could pose a threat to the safety or other interests of VLS and its community. Further, because the Code of Conduct prohibits “any conduct that raises serious doubts about the student’s honesty, integrity, or fitness to practice law” VLS may in certain cases investigate and address any sexual assault charges against a law student, regardless of the circumstances of the assault.

Reporting

VLS strongly encourages any student or employee who feels that he or she has been the victim of sexual assault to contact local authorities. Reporting the incident does not obligate you to prosecute, but gives you the option to prosecute. Delayed reporting will diminish the possibility of collecting potentially crucial evidence. Nevertheless, it is never too late to report an assault or to seek support and medical attention.
Confidentiality

Although VLS will make every effort to maintain confidentiality with respect to reported sexual assault, this confidentiality is not absolute. Where criminal conduct has occurred, or where the health and/or safety of others in the community may be in danger, it may be necessary for VLS to take appropriate steps to protect the safety of its students and employees, including the person who has reported the assault. Please do not be discouraged to come forward: your reporting of a sexual incident may help prevent other assaults, and information will be shared only to the extent necessary to protect our community’s safety.

Subject to the foregoing, VLS will strive to maintain confidentiality in responding to a complaint of sexual assault, including inquiries regarding the investigation, the disciplinary process, and the final outcome of any disciplinary proceeding – although, by law, both the accuser and the accused will be informed of the outcome of disciplinary proceedings involving an alleged sexual assault or attempted sexual assault.

Communications with the counselors are confidential medical and/or mental health communications, and will not be shared with others in the VLS community absent the presence of a serious risk of danger to an identified individual. Communications with medical providers are also confidential communications, subject to the same limited exception. Reports or records maintained by VLS (including the Counseling Service records), and other confidential records may, however, be subject to subpoena if civil or criminal charges are filed in court.

Counseling Services

While Vermont Law School does not provide confidential, professional counseling, it does provide confidential, professional referrals for students needing assistance for problems related to sexual assault. Students may obtain information and assistance by calling the Associate Dean for Student Affairs and Diversity at 802-831-1333 during the day or the counseling services listed below at any time, day or night.

Obtaining Emergency Contraception

Emergency contraception (EC) can prevent pregnancy after unprotected vaginal intercourse. It is also called "morning-after" contraception, emergency birth control, or backup birth control. EC dramatically reduces the risk of pregnancy when started within 72 hours (3 days) after unprotected intercourse. It must be started prior to 120 hours (five days) in order to reduce the risk of pregnancy. The sooner it is started, the better. The hospital may provide this upon your visit. If it does not, or if you do not wish to go the hospital, EC is available over-the-counter at local pharmacies and drug stores. A list of local pharmacies known to carry EC is provided in the Student Handbook.
OFF-CAMPUS RESOURCES

Counseling

VLS provides up to three free short-term confidential counseling services to Vermont Law students. For evaluation, consultation and/or referral, contact our counseling service AllOne Health Resources at 800-756-3124 or www.studenttalkone2one.com.

Alternatively, students may want to contact a specialized service:

- Clara Martin Walk-In Clinic: (802) 728-4466
- Clara Martin Center 24-hour Emergency Service: (800) 639-6360
- Gifford Medical Center (Randolph): (802) 728-4441
- Dartmouth-Hitchcock (Lebanon): (603) 650-5000
- Safeline: (800) NEW-SAFE (639-7233)
- WISE (Women’s Information Services): (603) 448-5525
- Vermont Network for Sexual Victims: (800)-489-7273
- RAINN National Hotline: (800) 656-HOPE (4673)
- SafeSpace (for LGBTQQ survivors of violence): (866) 869-7341
- State Police (Bethel): (802) 234-9933
- South Royalton Police: (802) 763-7776 or 911

For initial counseling and referral to counseling and legal reporting sources, and/or if, in the aftermath of rape or sexual assault, a victim are having difficulty concentrating on your work at school or effectively dealing with various aspects of your life, see the Associate Dean for Student Affairs and Diversity. The Law School may make reasonable accommodations to assist you, including assistance with changes in your academic schedule and/or living arrangements, should such changes be required. Depending on your needs, you may be eligible for academic accommodations such as leave of absence, reduced course load, or rescheduling of exams.

If you feel close to another faculty or staff member at the Law School, talk to that person about what you are experiencing and what options may be available. They can assist you in completing a Sexual Assault Incident Report. You and/or that faculty or staff member (with your permission) can then consult with the Associate Dean for Student Affairs and Diversity.

Educational Programs

Educational programs to promote awareness of sexual assault, acquaintance rape, and other sex offenses are offered through various law school departments. On-campus safety is included in new student and new staff orientation.
Disciplinary Action

Sexual assault is a violation of the Vermont Law School Code of Conduct. The Code applies to conduct:

1. by students of VLS with regard to their actions in connection with the application and admissions process, educational activities, career services, employment, or other law school-related activities;
2. by students of VLS with regard to their actions in connection with law school related activities when those actions occur on VLS property or in the use of VLS facilities (including the computer network, telephone, and email systems);
3. that occurs off campus in connection with events sponsored by VLS or VLS approved organization, or in connection with official business undertaken for VLS or in other circumstances on campus or off campus, while classes are in session or during semester breaks; and
4. in any circumstances where the reputation or policies of VLS would be involved or in other circumstances where an action could have a significant impact on the educational or employment environment or the reputation or integrity of VLS (such as, by way of example but not limitation, where alleged conduct involves interactions between VLS employees, officers, trustees and/or students).

A person who believes she or he has been a victim of rape, or other sexual offenses, forcible or non-forcible, by another member of the Law School community, may, in addition to any other available legal remedy, bring Code of Conduct violation charges against that individual. The following procedural rules apply to violations of this Policy:

1. **Complaint.** The Associate Dean for Student Affairs and Diversity (the Associate Dean) will meet with the complainant, who will make a written or oral complaint describing the incident. The complaint should include the date of the alleged assault, the name of the person who allegedly committed the assault (hereinafter, the respondent), and should describe the circumstances of the alleged assault. The complainant should also identify any witnesses who may have knowledge of the circumstances. The Associate Dean will make an initial determination as to whether or not the complaint alleges conduct prohibited by this policy. The complainant may request that charges be withdrawn at any time and the Law School will attempt to honor the wishes of the complainant. However, to accommodate cases where compelling evidence suggests significant individual or community safety concerns, the decision whether to discontinue an investigation or dismiss charges rests within the sole discretion of the Law School. Safety for the student and the campus community as a whole is of primary concern.

2. **Advisors.** The Associate Dean may, at his or her discretion, appoint advisors for the complainant and respondent. The appointed advisors serve as advisors only, and do not give legal advice. There is no attorney/client privilege between the students and the advisors. The students may retain legal counsel at their own expense.
3. **Investigation Overview.** If the Associate Dean determines that the complaint does fall within this policy, he/she will appoint an investigator to investigate the facts and prepare a written report. The Investigator may be a Vermont Law School employee or official or may be an external investigator with appropriate experience or expertise. The complainant and respondent will be provided with notice of the identity of the appointed Investigator, and will be informed that any objections to the service of the appointed Investigator on grounds of conflict of interest or a lack of impartiality should be submitted in writing to the Deputy Vice Dean within 3 days of notice of the appointment. The Deputy Vice Dean will decide promptly whether the appointed Investigator will or will not continue to conduct the investigation. Any materials collected or notes prepared by the Investigator during the objection period will be turned over to any replacement Investigator. The replacement Investigator will decide whether to use such materials or not. Absent extenuating circumstances, this initial determination and appointment of an Investigator will occur within five business days of receipt of the complaint. The Associate Dean will advise the respondent that charges have been filed against him/her and are being investigated. Should a respondent who has been notified of an investigation fail to cooperate with the investigator, the investigation may proceed, a finding may be reached, and a sanction may be imposed based upon the information available.

4. **Interim Remedial Measures.** During the investigation, the Associate Dean may issue interim remedial measures, such as issuance of a no-contact order to restrict contact and communication between the complainant and the respondent. Other preventative measures may be taken where requested and reasonably available, such as room changes, class changes or, in particularly serious cases, interim removal of a student from campus.

5. **Additional Violations.** If, prior to or during the investigation, Vermont Law School becomes aware that additional violations have allegedly occurred or additional policies have allegedly been violated, additional charges may be added to and resolved through this investigation. In the event that additional charges are added to the investigation, the Associate Dean will notify the respondent of the additional charges promptly and in writing.

6. **The Investigation.** The investigation will be conducted in a thorough, impartial and expeditious manner. Absent extenuating circumstances, the investigation of a complaint under this policy will ordinarily be completed within 45 calendar days. If the complainant or respondent requests an extension of this general 45 day period, he or she should make a written request for an extension to the Investigator, who will make a decision on the request after having provided the other party notice of the request and an opportunity to respond.
The complainant and respondent will be asked to identify all relevant witnesses they would like the Investigator to interview. Both students may provide, if they wish, a list of questions they would like the Investigator to ask of particular witnesses or of each other. The Investigator is not required to interview any particular witness, even if identified by one of the parties. Nor is the Investigator required to ask questions provided by either party. At the conclusion of the investigation, the Investigator will share the witness statements and relevant materials with both the complainant and the respondent. Both will have the opportunity to respond to this information in writing within five business days. The deadline for the receipt of such responses is also the deadline for receipt by the Investigator of character reference letters for each party. If new evidence is gathered at any stage, it will be shared with both the complainant and the respondent and each will have an opportunity to submit a written response within a time frame set by the Associate Dean. When the final responses, if any, have been received from the complainant and respondent, the Associate Dean will share each student’s response with the other student. The Investigator will submit a final report to the Associate Dean. The final report will include all investigation materials, the responses from the complainant and respondent, any character references, and the Investigator’s recommended finding of whether this Policy or the Policy Against Harassment, Sexual Harassment, Discrimination, and Retaliation has been violated, based on a preponderance of the evidence standard, i.e. whether it is more likely than not that the policy was violated, along with the Investigator’s rationale for this recommendation.

7. **Sexual Misconduct Review Panel.** Upon receipt of the Investigator’s report, the Associate Dean will convene a Sexual Misconduct Review Panel. This Panel will ordinarily consist of five members drawn from a pool. The pool includes five faculty members selected by the Deputy Vice Dean of Academic Affairs, five staff members selected by the Dean and President, and five students appointed by the President of the Student Bar Association. The Associate Dean will choose five panel members from this pool to attend the hearing and make determinations. Each panel will have at least one member from each of the three groups listed and, if possible, at least one member of the opposite sex. All pool members will receive annual training by the Title IX coordinator or her alternate.

The claimant and/or respondent may challenge the participation of any member of the review panel for conflict of interest or other good cause. Familiarity alone does not create a bias issue. Only where there is a determination that a panel member will not be able to provide an unbiased and impartial decision should an alternate be selected by the Associate Dean.

8. **Hearing.** The Panel will be provided with the Investigator’s complete report and supporting materials but is not bound by his/her recommended finding. Absent extenuating circumstances, the Sexual Misconduct Review Panel will hold a closed hearing on whether the Sexual Assault Policy or the Policy
Against Harassment, Sexual Harassment, Discrimination, and Retaliation has been violated within fifteen business days after receipt of the Investigator’s complete report. The complainant and respondent shall be notified concurrently of the date, time, and location of the hearing. The complainant and the respondent will have an equal opportunity to present relevant witnesses and other evidence, to have support people or counsel present, to access information to be used at the hearing, and to present character witnesses. The hearing shall not be a formal adversarial one in the sense that there will be a prosecution versus a defense. The purpose of the hearing is to gather information to enable the Sexual Misconduct Review Panel to determine whether the Sexual Assault Policy and/or the Policy Against Harassment, Sexual Harassment, Discrimination, And Retaliation has been violated. To that end, the Sexual Misconduct Review Panel, as well as the complainant and respondent, shall have the right to call witnesses, question witnesses and examine documents offered as evidence. Neither the complainant nor the respondent will be permitted to question or cross-examine each other, either directly or through counsel, but may submit questions to the Panel. The Panel shall have full discretion to decide whether to ask the party the requested questions or not. Either the complainant or the respondent may request physical separation from the other at the hearing, including visual separation, such as through the use of a screen, video-conferencing or other such technology. Because this is not a civil or criminal trial, the rules of evidence may be more relaxed in the interest of gathering relevant information. It should be noted that extraneous information such as the complainant’s or the respondent’s prior sexual history with others is likely to be excluded, and not considered by the Panel in its deliberations on whether the charged misconduct occurred (a respondent’s involvement in other incidents may, however, be considered by the Panel in its determination of sanctions, as discussed below).

9. **Finding and Sanction.** The Panel will issue a finding regarding whether the Sexual Assault or Policy Against Harassment, Sexual Harassment, Discrimination, and Retaliation has been violated, based upon the preponderance of evidence standard. Absent extenuating circumstances, the Sexual Misconduct Review Panel will issue its findings, in writing, within 10 business days after the Hearing. A majority of the Panel members must find that a policy violation occurred for a finding of responsibility. The Associate Dean will notify the complainant and respondent concurrently and in writing of the finding to the extent permitted by law. If a finding is made that no policy has been violated, the respondent will have no record of the charge or its outcome in his/her permanent file. Complainants may appeal a finding of no responsibility, as set forth below. If the Panel determines that either Policy has been violated, the complainant may submit an Impact Statement to the Panel and the respondent may submit a Sanction Statement to the Panel, within three business days of the notification. The Panel will reconvene, consider the Impact Statement and Sanction Statement if any have been submitted, and determine a sanction. A violation of the Sexual Assault Policy will be subject to Class One sanctions. Class One sanctions include but are not limited to suspension,
expulsion or withdrawal of an awarded degree. Prior conduct and judicial history may be taken into account in determining a sanction. Respondents should also be advised that additional non-disciplinary outcomes, such as (by way of example but not limitation) extending and modifying no-contact orders, may also be imposed regardless of the finding. The Associate Dean will notify the complainant and respondent concurrently and in writing of any sanction to the extent permitted by law. Absent extenuating circumstances, the Sexual Misconduct Review Panel will issue a decision regarding sanctions, if applicable, within 5 business days after receipt of an Impact Statement and/or Sanction Statement, if any. If neither Statement is submitted, the Panel will issue a decision on sanctions within 8 business days of issuing its finding.

10. **Appeals.** The complainant and respondent both have the right to appeal the decision of the Sexual Misconduct Panel to the President and Dean. The purpose of the appeal is to review the adjudication process. Appeals may be made on the basis of one or more of the following: discovery of significant new factual material not available to the Sexual Misconduct Review Panel that could have affected the original outcome (but omission of factual information by the appealing party that was or should reasonably have been available to the appealing party before the hearing is not grounds for appeal), or violation of procedure where the violation prevented fundamental fairness. The right of appeal is only available to a complainant or respondent who participated in the investigative process. An appeal must be made in writing within 5 business days of receipt of the finding in cases where no violation is found and within 5 business days of receipt of the sanction in cases where a policy violation has been found. The appeal must include the grounds for appeal and provide an outline of supporting evidence. The President and Dean will notify the Associate Dean and the other student of the appeal and will request his or her response to the appeal. The Associate Dean and the other student may provide a written response within five business days of the request. The President and Dean may deny the appeal or, if the appeal grounds have been met, may return the case to the Sexual Misconduct Review Panel for reconsideration, or convene a new Sexual Misconduct Review Panel. If the case is returned to the Sexual Misconduct Review Panel, the President and Dean shall identify which aspects of the case merit further review. Absent extenuating circumstances, the President and Dean will notify the complainant and respondent concurrently, in writing, of his/her determination within 15 business days, to the extent permitted by law, and will notify the Associate Dean, in writing, with instructions for any further action. All decisions by the President and Dean are final.

11. **The Record.** The Sexual Misconduct Review Panel will tape record the hearing in each case. The recording, the documents received, and the findings and action shall be retained in the President and Dean’s Office. This record may be referred to by the Panel for any purpose, but the confidentiality of the record will otherwise be maintained. At any time after three years, the President and Dean’s Office may destroy the record except for the final determination, unless there is a pending request for the record or the President and Dean determines
that there is some need to continue to maintain the record confidentially. Additional information on sanctions, notations in student files and status if a student withdraws while disciplinary action is pending is set forth in Article V of the Code of Conduct.

**CAMPUS SEX CRIMES PREVENTION ACT NOTIFICATION**

State law mandates that the Vermont Department of Public Safety maintain a sex offender database and website on the internet that is accessible to the public. Members of the Vermont Law School community may contact the Vermont Department of Public Safety’s Sex Offender Registry website for information concerning registered sex offenders (https://secure.vermont.gov/DPS/sor/).

**VERMONT LAW SCHOOL’S CRIME REPORT**

**Definitions of Offenses Listed in the Crime Report**

The following definitions are used for reporting crimes in the following crime report. These definitions are those found in the Federal Bureau of Investigation Uniform Crime Reporting Handbook (UCR) and the National Incident-Based Reporting System (NI-BRS edition). Copies of these materials are available from: FBI, Communications Unit, Criminal Justice Information Services Division, 1000 Custer Hollow Road, Clarksburg, WV 26306.

**Aggravated Assault** – Any unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Arrests** – Persons processed by arrest, citation, or summons.

**Arson** – Any willful or malicious burning, or attempt to burn, with or without intent to defraud, a dwelling house, public house, motor vehicle or aircraft, personal property of another, etc.

**Burglary** – The unlawful entry of a structure to commit a felony or theft.

**Criminal Homicide (manslaughter by negligence)** – The killing of another person through gross negligence.

**Criminal Homicide (murder and non-negligent manslaughter** – The willful (non-negligent) killing of one human being by another.

**Drug Law Violations** – The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution and sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those related to the unlawful possession, sale, use, growth,
and manufacture of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine), marijuana, synthetic narcotics – manufactured narcotics which can cause true addiction (Demerol, methadone), and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Hate Crimes** – A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender’s bias.

**Liquor Law Violations** – Actual or attempted crimes or ordinance violations relating to the manufacture, sale, transportation, production, furnishing, or possession of intoxicating liquor. Drunkenness and driving under the influence of alcohol are not included in this definition.

**Motor Vehicle Theft** – The theft or attempted theft of a motor vehicle.

**Referrals** – Those students who were referred for campus disciplinary action for liquor law violations, drug law violations, and illegal weapons violations.

**Robbery** – The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Sex Offenses (forcible)** – Any sexual act directed against another person, forcibly and/or against that person’s will, or not forcibly or against the person’s will where the victim is incapable of giving consent.

**Forcible Rape** – The carnal knowledge of a person, forcibly and/or against that person’s will, or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity or because of his/her youth.

**Forcible Sodomy** – Oral or sexual intercourse with another person, forcibly and/or against the person’s will, or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity or because of his/her youth.

**Sexual Assault with an Object** – The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will, or not forcibly or against that person’s will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity or because of his/her youth.

**Forcible Fondling** – The touching of the private parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will, or not forcibly or against that person’s will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity or because of his/her youth.

**Sex Offenses (nonforcible)** – Unlawful, nonforcible sexual intercourse.
**Incest** – Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape** – Nonforcible sexual intercourse with a person under the statutory age of consent.
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